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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-208301

DATE: August 17, 1982

MATTER OF: Calabrese & Sons, Inc.

DIGEST:

Protest to contracting agency (alleging a defect in the solicitation) which was filed with initial proposal is not considered timely under section 21.2(b)(1) of our Bid Protest Procedures, which requires filing of such protests prior to date for receipt of initial proposals. Since protest against alleged solicitation impropriety was not filed with contracting agency or General Accounting Office prior to the date for receipt of initial proposals, protest is untimely.

Calabrese & Sons, Inc. (Calabrese), protests against award of a contract by the Defense Logistics Agency pursuant to solicitation No. DLA700-82-R-3573. Calabrese contends that provision L32b of the solicitation, entitled "PARTS AND COMPONENTS - SPECIFIC SOURCE(S)," unduly restricts competition because it requires an offeror which is not a manufacturer of the required parts to submit a letter from the parts manufacturer establishing that the offeror is an authorized dealer of the manufacturer for the particular part required under the solicitation.

We find that this protest is untimely and, therefore, we will not consider it further on the merits.

Section 21.2(b)(1) of our Bid Protest Procedures (4 C.F.R. part 21 (1982)) requires that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals must be filed prior to the date for receipt of initial proposals in order to be considered on their merits.

Calabrese submitted its initial proposal on June 30, 1982, the date by which the solicitation stated that initial proposals were to be submitted. Enclosed with Calabrese's proposal was its protest to the Defense Logistics Agency against the inclusion of provision L32b in the solicitation. However, a protest against an alleged solicitation impropriety filed with the initial proposal is not considered timely since section 21.2(b)(1) of our Procedures requires filing prior to the date for receipt of initial proposals. See Emerson Electric Co., B-184346, September 9, 1975, 75-2 CPD 141. Calabrese did not file its protest in our Office until July 20. Since neither Calabrese's protest to the contracting agency nor its protest to our Office was filed before the date set for receipt of initial proposals, the protest is untimely.

Accordingly, we dismiss the protest.

Harry R. Van Cleve
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Acting General Counsel