

DECISION

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

FILE: B-214814

DATE: May 23, 1984

MATTER OF: Business Equipment Center,
Ltd.

DIGEST:

Protest alleging that solicitation requirement is unduly restrictive is untimely and not for consideration since protest was not filed with our Office until after the closing date for receipt of proposals.

Business Equipment Center, Ltd. (BEC), protests the award of a contract to Dictaphone Corporation (Dictaphone) under request for quotations (RFQ) H-352 issued by the Veterans Administration (VA) for central dictation systems. BEC's bid was rejected as nonresponsive for failing to meet VA specification X-1710A, which required that all items be available on the current General Services Administration/Federal Supply Schedule contract. BEC contends that this specification is restrictive since only Dictaphone meets this requirement.

We dismiss the protest.

Our Bid Protest Procedures require that a protest based upon alleged improprieties in any type of solicitation which are apparent prior to the closing date for receipt of initial proposals shall be filed prior to the closing date for receipt of initial proposals. 4 C.F.R. § 21.2(b)(1) (1983). The protester's letter to our Office was received on April 2, 1984. The VA has informally advised us that the closing date for receipt of offers was March 22. Since BEC filed its protest after the closing date for receipt of initial proposals, it is untimely and will not be considered on the merits. Spacesavers Systems, Inc., B-211245, April 13, 1983, 83-1 CPD 402.

Furthermore, BEC's allegation that the VA has waived this requirement in the past provides no basis for relief. Each procurement is a separate transaction and the action taken on any one procurement does not govern the conduct of

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all similar procurements. Rack Engineering Company, B-208554, March 7, 1983, 83-1 CPD 224. Accordingly, the fact that the VA had previously waived a solicitation requirement does not require procurement officials to continue to do so.

Harry R. Van Cleve
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Acting General Counsel