

**DECISION**

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

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**FILE:**

B-215526

**DATE:**

July 17, 1984

**MATTER OF:**

Lab Methods Corporation

**DIGEST:**

Protest against agency decision to award sole-source contract filed after closing date for receipt of proposals is untimely since agency's publication of notice in Commerce Business Daily of decision to negotiate with one source and of closing date placed protester on notice of basis of protest prior to closing date.

Lab Methods Corporation (LMC) protests the sole-source award of a contract to Carter Equipment Company, Inc. under request for proposals No. N0001984MP-47025 issued by the Department of the Air Force pursuant to a Navy Military Interdepartmental Purchase Request for a motion picture film printer. LMC contends that it should have been given an opportunity to compete with Carter for the award of the contract.

We dismiss the protest as untimely.

LMC's protest dated June 7, 1984, was filed with our Office on June 12, 1984. Notice that sole-source negotiations with Carter would be conducted and that the approximate closing date for receipt of proposals was January 27, 1984, was synopsisized in the Commerce Business Daily (CBD) on December 16, 1983. The Air Force has advised our Office that the actual closing date for receipt of proposals was February 24, 1984.

Our Bid Protest Procedures require that protests based upon alleged solicitation improprieties which are apparent before the closing date for receipt of proposals must be filed prior to that date. 4 C.F.R. § 21.2(b)(1) (1984). Although the protester states that it did not see the CBD synopsis for this procurement and it only found out about the procurement by making telephone calls to procuring officials, we have held that publication of a procurement in the CBD constitutes constructive notice of

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the solicitation and its contents. Aurora Spectrum International, B-214162, Feb. 13, 1984, 84-1 CPD ¶ 185. Accordingly, LMC is charged with notice of the Air Force's decision to negotiate on a sole-source basis with Carter and of the closing date for the receipt of proposals. Thus, LMC's protest alleging this apparent solicitation impropriety filed with our Office almost 4 months after the closing date for the receipt of proposals is untimely. See Detroit Broach and Machine, B-213643, Jan. 5, 1984, 84-1 CPD ¶ 55.

The protest is dismissed.

*Harry R. Van Cleve*

Harry R. Van Cleve  
Acting General Counsel