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DECISION



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

FILE:

B-217149

DATE: January 18, 1985

MATTER OF:

General Electric Co.

DIGEST:

1. Protest of alleged improprieties apparent prior to the closing date for receipt of initial proposals must be filed prior to that date. Protest against small business set-aside, filed after closing date for receipt of proposals, is untimely.
2. Protester which is challenging award or proposed award on one basis should diligently pursue information which may reveal additional grounds of protest. Protest challenging reasonableness of contract price on small business set-aside, filed 7 weeks after protester was advised of award, is untimely.

General Electric Company (GE) protests the award of a contract for parts and labor necessary to service the General Electric 8800 Cat Scanner at the Veterans Administration Medical Center, Long Beach, California, to CTRS. Request for proposals No. RFP600-8-85, issued on August 20, 1984, was a total small business set-aside. We find the protest to be untimely.

The protest, filed on November 19, 1984, challenges the propriety of the small business set-aside. GE also protests the award of the contract to CTRS for \$103,500 per year, \$38,700 more than the GE proposed price of \$64,800 per year. GE's offer was rejected because the procurement was a total small business set-aside. The closing date for receipt of initial proposals was September 20, 1984. GE was advised of the award of the contract on September 28, 1984.

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Because the provision restricting the procurement to small businesses was evident on the face of the solicitation, GE's protest against the small business set-aside should have been filed prior to the closing date for receipt of initial proposals. 4 C.F.R. § 21.2(b)(1) (1984). Since GE's protest was not filed until after that date, this protest basis is untimely.

We interpret GE's objection to the contract price to be a protest against the contracting officer's determination of price reasonableness. The record does not indicate when GE learned of CTRS's proposed price.

Our Bid Protest Procedures require that protests be filed with our Office within 10 working days after the basis for protest is known or should have been known, whichever is earlier. 4 C.F.R. § 21.2(b)(2). We have held that a protester which is challenging an award or proposed award on one ground should diligently pursue information which may reveal additional grounds of protest. S.A.F.E. Export Corporation, B-213026, Feb. 10, 1984, 84-1 CPD ¶ 165.

If GE had diligently sought information on CTRS's price after being informed of the contract award on September 28, GE should have had that information on that date or soon thereafter. As we noted above, GE's protest was not filed with our Office until November 19, 7 weeks after GE was informed of the award of the contract to CTRS. We find this 7-week delay to be excessively long. This protest basis is also untimely.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
General Counsel