

DECISION

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

FILE: B-220321**DATE:** October 2, 1985**MATTER OF:** New Hampshire Ball Bearings, Inc.**DIGEST:**

Protest requesting that price modification submitted several weeks after closing date under oral request for quotations be considered for award is dismissed since procuring agency's expressed intent (in letter requesting best and final quotations) was to consider only quotations submitted before closing date.

New Hampshire Ball Bearings, Inc., protests the award of an Army contract to another concern for 21,704 bearings under oral request for quotations (RFQ) No. 85-Q-H051 issued by the Army's Aviation Systems Command, St. Louis, Missouri. The protester, who was not the low quoter under the RFQ, argues that it should now be permitted to lower its quotation--several weeks after the July 31, 1985, closing date for the RFQ--in order to be eligible for award of part of the requirement.

We dismiss the protest.

The Army's July 16, 1985, request to the protester for best and final quotations stated that "all quotes must be received by [July 31, 1985]." We consider this statement as expressing the Army's intent to consider only those quotations submitted prior to the closing date. This approach is permissible. Cf. Lanier Business Products, B-198913, September 12, 1980, 80-2 C.P.D. ¶ 194, where we said:

"We find no 'late quotations' provision in the RFQ which would permit quoters to submit amended quotations after the closing date; nor are we aware of any requirement mandating the inclusion of a late quotations provision here. In essence, the RFQ contained the VA's implied promise to consider only those quotations submitted prior to the closing date. In our view, offerors were not entitled to amend quotations after the closing date since that would permit competition on

033371

an unequal basis. Cf. Ikard Manufacturing Company, B-192308, October 25, 1978, 78-2 CPD 301, where we took no objection to the rejection of a late quotation, in part because the RFQ did not contain a late quotation provision."

Protest dismissed.



Robert M. Strong
Deputy Associate
General Counsel