



The Comptroller General  
of the United States

Washington, D.C. 20548

*Curcio PRT*

## Decision

Matter of:      Scopus Optical Industry  
File:            B-225728, B-225729 B-225730, B-225731  
Date:            March 25, 1987

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### DIGEST

Protests that solicitations improperly restrict competition are dismissed as untimely when not filed within 10 working days after notice of the solicitations was published in a Commerce Business Daily synopsis which indicated the restriction and did not state a closing date for the receipt of proposals.

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### DECISION

Scopus Optical Industry protests that Department of the Army solicitations Nos. DAAA09-86-R-1893, -1894, -1895, and -1896, issued to procure periscopes, unduly restrict competition by limiting offerors to domestic sources.

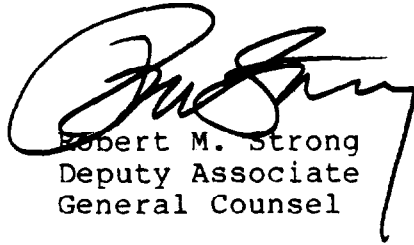
We dismiss the protests in accordance with 4 C.F.R. § 21.3(f) (1986), of our Bid Protest Regulations, which provides that where the propriety of dismissal becomes clear only after information is provided by the agency, the protest may be dismissed at that time without further development of the record.

The Army informs us that notices of the four solicitations, stating that only domestic sources would be considered for award, were published in the Commerce Business Daily (CBD) on October 30, 1986. The notices did not indicate closing dates for the receipt of proposals. Scopus filed protests against the restriction with the Army on January 14, 1987, and with our Office on February 12, after its agency-level protest was denied.

According to our Bid Protest Regulations, a protest must be filed with the procuring agency or our Office within 10 working days after the protester knows or should know the basis for its protest. 4 C.F.R. § 21.2(a)(2). Synopsis of a

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procurement in the CBD constitutes constructive notice to all parties of the solicitation and its contents. Where a CBD synopsis states a solicitation restriction and the synopsis does not contain a closing date for the receipt of proposals, a firm is required to file a protest against the restriction with our Office or the procuring agency within 10 working days after the date the synopsis is published. DocuMail Division, Bell and Howell Co., B-216196, Nov. 26, 1984, 84-2 C.P.D. ¶ 554. Scopus' protests to the Army, filed 2-1/2 months after the firm knew of the restriction in issue, thus clearly were untimely, and we therefore will not consider the protests to our Office. 4 C.F.R. § 21.2(a)(3).



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