



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Record Press, Inc.

File: B-228135

Date: September 16, 1987

DIGEST

1. Unlike sealed bid procurements where bids are publicly opened, there is no requirement for public opening of offers received under a negotiated procurement.
2. Protest that sealed bidding, rather than negotiated procedures, should have been used to procure printing, collating and mailing services is dismissed as untimely when not filed prior to the closing date for the receipt of proposals.

DECISION

Record Press, Inc. protests that proposals were not publicly opened under solicitation No. NYSAC-87-01, for the printing of court opinions, issued by the Administrative Office of the United States Courts. We dismiss the protest.

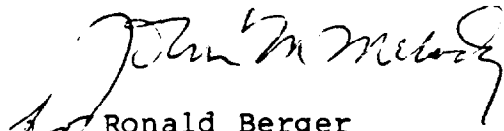
The Administrative Office has advised us that this procurement was negotiated and that the solicitation document is a request for proposals (RFP) which clearly indicated that the procurement was negotiated. Unlike sealed bid procurements in which bidders' prices are exposed as a result of the public opening of bids, there is no requirement for the public opening of offers received under a negotiated procurement. The Big Picture Co., Inc., B-220859.3, Apr. 18, 1986, 86-1 CPD ¶ 383. The Federal Acquisition Regulation (FAR) specifically prohibits disclosure to the general public of proposal information before award. See FAR, 48 C.F.R. § 15.413 (1986).

To the extent Record Press is protesting that for this procurement the agency improperly used negotiated procedures rather than sealed bid procedures, the protest is untimely. Our Bid Protest Regulations require that protests based upon an alleged impropriety in an RFP which is apparent prior to

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the closing date for receipt of initial proposals be filed by the closing date. 4 C.F.R. § 21.2(a)(1) (1987). The fact that negotiated procedures were being used and that proposals, not bids, were being solicited, was apparent from the face of the solicitation. Accordingly, Record Press's protest of this alleged solicitation defect, filed after the due date for proposals, is untimely. See Professional Construction Services, Inc., B-225691, B-226177, Apr. 16, 1987, 87-1 CPD ¶ 418.

The protest is dismissed.


for Ronald Berger
Deputy Associate
General Counsel