



Comptroller General
of the United States

Washington, D.C. 20548

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Decision

Matter of: NDT Marketing, Inc.

File: B-259548.2

Date: December 21, 1994

DECISION

NDT Marketing, Inc. protests as unduly restrictive the specifications in request for proposals (RFP) NO. F41608-94-R-20591, issued by the Department of the Air Force for a portable X-ray unit.

The protest, as filed with our Office, does not establish a basis for challenging the agency's action and, accordingly, must be dismissed.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988). Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Management Servs., Inc.--Recon., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.

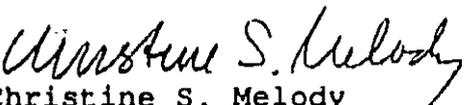
To achieve this end, our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of a protest, 4 C.F.R. § 21.1(c)(4) (1994), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Robert Wall Edge--Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335.

Here, the protest consists of the following assertions:

- "(A) Specification is unduly restrictive.
- (B) The time period to submit proposals with bid samples restricts full and open competition.
- (C) Use of bid samples is not justified."

"Details on our protest will be submitted under separate cover."

While the protester asserts generally that the solicitation is defective, it fails to explain or in any way support its conclusion. The protest thus does not include sufficient factual information to establish the likelihood that the agency here violated applicable procurement laws or regulations. Therefore, it must be dismissed without further action.¹


Christine S. Melody
Assistant General Counsel

¹We note that even if the protest were sufficiently detailed, we would dismiss it as untimely. Our Bid Protest Regulations provide that protests, like NDT's, which are based on alleged solicitation irregularities must be filed before the time set for receipt of proposals. 4 C.F.R. § 21.2(a)(1). Here, proposals were due on December 5, 1994; the protest was not filed until December 13.