



United States  
General Accounting Office  
Washington, D.C. 20548

Office of the General Counsel

B-224431.3

August 15, 1986

The Honorable Marge Roukema  
House of Representatives

Dear Mrs. Roukema:

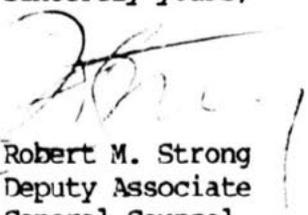
This is in response to your July 24, 1986, letter to our Office, expressing your interest in the protest of Aeronautical Instrument & Radio Co. (AIR) under Department of the Navy solicitation No. N00612-86-R-0106. AIR protested that the information required to produce the items under this solicitation was proprietary to AIR, and that Cross Systems, Inc., the proposed awardee, could not have competed to furnish the items without the improper disclosure and use of this information.

We dismissed AIR's protest by notice dated July 21 on the ground that it was not timely filed, since under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1986), a protest based on improprieties on the face of a solicitation must be filed before the closing date for receipt of offers.

Subsequently, however, AIR explained that the solicitation itself did not evidence any impropriety, and that the firm learned of the disclosure only after proposals had been submitted. Enclosed is a copy of our August 7, 1986 decision in the matter, in which we point out that even assuming the disclosure occurred, there is no remedy our Office can provide in the procurement.

If you have any further questions on this matter, I can be reached at (202) 275-9740.

Sincerely yours,



Robert M. Strong  
Deputy Associate  
General Counsel

Enclosure