



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

B-177349(2)

May 22, 1973

30957

United Sales Enterprises
Executive Towers, Suite 306
5901 North Cicero Avenue
Chicago, Illinois 60646

Attention: Mr. A. H. Jausby

Gentlemen:

Reference is made to your letter dated April 10, 1973, and prior correspondence, expressing your interest in the protest of HLC Manufacturing Company, Incorporated (HLC), against both the rejection of HLC's bid under invitation for bids (IFB) No. N00164-73-B-0025, issued August 3, 1972, and alleged restrictive and defective specifications under IFB No. N00164-73-B-0068, issued October 31, 1972, by the United States Naval Ammunition Depot, Crane, Indiana. It is stated in your letter of April 9, 1973, that your interest in the protest results from the fact that you are a representative for HLC.

The original IFB reportedly had been cancelled due to insufficient competition to insure a reasonable price and to revise the specifications in order to generate more competition. By decision dated April 4, 1973, this Office upheld the cancellation as being a reasonable exercise of the contracting officer's discretion. B-177349, April 4, 1973.

Concerning the allegations relative to the revised specifications included in IFB No. N00164-73-B-0068, we concluded that the protest was untimely and not for consideration on the merits because it was not filed in our Office prior to bid opening, contrary to our Interim Bid Protest Procedures and Standards which require that a protest, based upon alleged improprieties in a solicitation which were apparent prior to bid opening, be filed prior thereto. Title 4, Code of Federal Regulations, section 20.2.

Although you ^{for} request reconsideration of our decision on the assumption that it did not include consideration of certain facts stated in your letter of April 9, 1973, we find upon review of the record that the facts presented by you were included in our consideration of the matter.

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Since you have presented no new or additional information requiring reversal of our prior decision, it is affirmed.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General
of the United States