

DECISION



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

FILE: B-187466

DATE: November 8, 1976

MATTER OF: Postal Data Corporation

DIGEST:

Publication of notice of intent to procure in Commerce Business Daily is constructive notice to all parties, and protest that RFQ failed to provide adequate time for offerors to respond is untimely pursuant to 4 C.F.R. § 20.2(b)(1) (1976) where protest was filed after closing date for receipt of quotations.

By mailgram dated September 20, 1976, the Postal Data Corporation (Postal Data) protested the award of a contract under request for quotations (RFQ) T-30401 KS, issued by the Department of Commerce.

The RFQ was synopsisized in the Commerce Business Daily (CBD) on September 3, 1976, with a closing date of September 15, 1976. Postal Data states that it received the September 3, 1976, CBD on September 8, 1976, and requested a copy of the RFQ by return mail. It alleges that the RFQ was not received until September 15, 1976, the closing date for receipt of proposals. Therefore, Postal Data maintains that the RFQ was defective because of its alleged failure to allow sufficient time for prospective offerors to respond to the solicitation.

Our Office has held that publication of an intent to procure in the CBD is constructive notice to all parties. See Capitol Oil Company, B-185994, June 28, 1976, 76-1 CPD 415, and Del Norte Technology, Inc., B-182318, January 27, 1975, 75-1 CPD 53. With regard to protests based upon alleged improprieties in any type of solicitation which are apparent prior to the closing date for receipt of proposals, section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. § 20 (1976), provides in part that protests shall be filed prior to the closing date for receipt of proposals. Because Postal Data knew on September 8, 1976, of the September 15th closing date, we believe it was incumbent upon Postal Data to either obtain a copy of the RFQ in time to make a timely submission or protest the short closing time. Since Postal Data did not immediately obtain a copy of the RFQ or file its protest until after the closing date for receipt of proposals, it is untimely.

B-187466

Accordingly, it will not be considered on the merits.

Paul G. Dembling
Paul G. Dembling
General Counsel