



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Ivey Mechanical Company

File: B-272764

Date: August 23, 1996

Andrew J. Kilpatrick, Jr., Esq., Hickman, Sumners, Goza & Gore, for the protester.
Maj. Stephen L. Devita, Department of the Air Force, for the agency.
Wm. David Hasfurther, Esq., and John Van Schaik, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Where only one proposal had been timely submitted as of the original closing date for the submission of proposals, it was not improper to extend the closing date in the interest of obtaining competition by permitting an offeror who submitted a late proposal to compete.

DECISION

Ivey Mechanical Company protests the Department of the Air Force's amendment of request for proposals (RFP) No. F40650-96-R-0004 so as to extend the closing date for the submission of proposals. The amendment was issued after only Ivey's proposal was received by the original closing date. Another proposal had been submitted, but was rejected as late. The contracting officer determined that the closing date should be extended in the interest of obtaining competition.¹ Ivey argues there was no reason to permit the extension since the other offeror had ample time to submit its proposal and should not be given a second chance. The Air Force has requested that we dismiss the protest for failing to state legally sufficient grounds for protest.

We dismiss the protest.

Ivey attempts to distinguish several cases cited by the Air Force in support of its motion to dismiss. There is no reason to discuss those cases at length. Regardless of the specific circumstances of those cases, we have repeatedly approved of the issuance of amendments extending closing dates after the expiration of the original

¹The Air Force reports that the contents of Ivey's proposal, including its prices, have not been disclosed.

closing date when the result is enhanced competition. See Institute for Advanced Safety Studies--Recon., B-221330.2, July 25, 1986, 86-2 CPD ¶ 110 (not improper to issue an amendment extending the closing date 3 days after the expiration of the original closing date); Fort Biscuit Co., 71 Comp. Gen. 392 (1992), 92-1 CPD ¶ 440 (not improper to issue an extension of the closing date for the submission of best and final offerors after that date so as to permit one of four offerors more time to submit its best and final offer); Varicon Int'l, Inc.; MVM, Inc., B-255808; B-255808.2, Apr. 6, 1994, 94-1 CPD ¶ 240 (not improper to extend the closing date after expiration of the original date so as to enhance competition by permitting two offerors submitting late proposals to compete against the two offerors that submitted timely proposals).² Further, while we will examine an agency's refusal to grant an extension to determine if it was arbitrary or capricious, we will not object to an extension when its primary purpose is to increase competition. Solar Resources Inc., B-193264, Feb. 9, 1979, 79-1 CPD ¶ 95.

The protest is dismissed.³

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²While Federal Acquisition Regulation § 15.410 (FAC 90-39) contemplates that solicitation amendments ordinarily will be issued prior to the closing date, it does not prohibit the issuance of amendments extending the closing date after the closing date. See Institute for Advanced Safety Studies--Recon., supra.

³In view of our conclusion, we see no reason to hold a conference as Ivey has requested.