

DECISION



11654 Proc II
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-196130

DATE: October 12, 1979

MATTER OF: Memorex Corporation CN601209

[Protest Alleging Improper Evaluation Criteria in RFP]

DIGEST:

Protest alleging that improper evaluation criteria were stated in request for proposals is untimely and not for consideration when filed after closing date for receipt of initial proposals.

Memorex Corporation (Memorex) protests allegedly improper evaluation criteria in request for proposals (RFP) No. 78-28 issued by the Library of Congress on September 11, 1978 for the procurement of automatic data processing disk subsystems. UTH 000122

Memorex submitted a proposal by the November 7, 1978, closing date for the receipt of proposals. The Memorex equipment was tested for reliability in accordance with criteria contained in the solicitation and was rejected. On September 19, 1979, Memorex filed a protest in our Office alleging that reliability criteria are improper and should be eliminated.

This protest is clearly untimely and not for consideration on its merits. The evaluation criteria which Memorex protests were stated in the RFP and any protest Memorex had with respect to them should have been filed with this Office prior to the closing date for receipt of the initial proposals. See Section 20.2(b) of our Bid Protest Procedures, 4 C.F.R. 20.2(b)(1979) and California Computer Products, Inc., B-193437, December 5, 1978, 78-2 CPD 391, affirmed February 22, 1979, 79-1 CPD 124, where the protest, which concerned the same solicitation, was also dismissed as untimely.

This protest is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

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