

**DECISION**

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

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**FILE:** B-218252**DATE:** March 28, 1985**MATTER OF:** MBI Government Operations**DIGEST:**

Where bidder objects to "All or None" bid evaluation provision in IFB, arguing that it is unduly restrictive of competition and should be replaced by a provision permitting the evaluation of offers for multiple awards, and is advised by the contracting officer that the IFB will not be amended as the bidder requested, the firm has 10 working days thereafter within which to file a protest with GAO, and protest not properly filed until 15th day is dismissed as untimely.

MBI Government Operations (MBI) protests the award of a contract under invitation for bids (IFB) No. DABT-01-85-B-4005, issued by the Department of the Army at Fort Rucker, Alabama, for IBM computer systems and other software or equal equipment. MBI states that under the terms of the solicitation, the contract is to be awarded on an "All or None" basis. The protester further states that although it is an authorized dealer in IBM equipment, it cannot provide certain items of the IBM equipment required by the solicitation because IBM will not sell this equipment to dealers. Thus, MBI contends that in requiring award on an "All or None" basis, the solicitation is unduly restrictive of competition. MBI urges that the "All or None" provision be deleted from the solicitation and that a provision permitting the evaluation of offers for multiple awards be substituted therefor.

MBI initially presented its objection to the contracting agency, which refused to amend the IFB as MBI had requested. MBI pursued the matter by letter to the contracting activity, a copy of which MBI sent to our Office and which we received 7 days after the agency had refused MBI's request that the IFB be amended. Since this letter contained no specific request for a ruling by the Comptroller General, as required by our Bid Protest Regulations, 49 Fed. Reg. 49,417, et seq. (1984), it did not constitute the filing of a protest before our Office.

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Although the protester subsequently requested a ruling from our office, this correspondence was not received until 15 days after the agency's initial adverse action; the protest therefore was not filed here in a timely manner. See United Technical Products, B-218060, Feb. 5, 1985, 85-1 C.P.D. ¶ 144.

The protest is dismissed.



Robert M. Strong  
Deputy Associate General Counsel