

DECISION



094786
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-181643

DATE: July 19, 1974

MATTER OF: Ael-Emtech Corporation

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D-903764
DIGEST: [Protest alleging that solicitation contained defective provision] apparent in solicitation prior to closing date set for receipt of proposals, is untimely under 4 CFR 20.2(a) as it was not received by GAO prior to closing date for receipt of final proposals.

Request for Proposals (RFP) No. N00019-74-R-0105, was issued by Naval Air Systems Command on May 24, 1974. The date for "best and final offers" was set for June 24, 1974.

Ael-Emtech Corporation (Ael-Emtech), an offeror for the item, by mailgram dated June 27, 1974, received at GAO on June 28, 1974, protested against the "Evaluation of Options (1973 APR) (ASPR 1-1504(c))" clause contained in the RFP.

Standards applicable to the timeliness of protests are provided in section 20.2(a) of our Interim Bid Protest Procedures and Standards (4 CFR 20.2(a)), in pertinent part as follows:

"(a) * * * Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of proposals shall be filed prior to bid opening or the closing date for receipt of proposals. * * *"

Since we did not receive Ael-Emtech's protest until June 28, 1974, some 4 days after the closing date for receipt of best and final offers, its protest must be considered untimely.

Consequently, we must decline to rule on the merits of the protest.

R. J. K... ..
Deputy Comptroller General
of the United States

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