

**DECISION**



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

C 1034

FILE: B-186546

DATE: June 25, 1976

98391

MATTER OF: Ekistics Construction Company

**DIGEST:**

Protest involving amendment to request for proposals filed after closing date for receipt of proposals following amendment is untimely and not for consideration.

Ekistics Construction Company has protested the award of a contract by the United States Army Infantry Center, Fort Benning, Georgia, under request for proposals DABT10-76-R-0115. Ekistics questions the agency's decision to issue an amendment to the solicitation after the initial closing date for receipt of proposals.

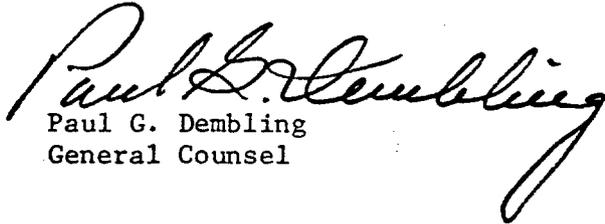
The solicitation initially set a closing date for submission of proposals of April 2, 1976. Subsequently, the contracting officer orally notified the offerors within the competitive range that the solicitation was being amended to reduce the performance period from 90 to 60 days and that the new closing date for receipt of proposals would be April 7, 1976. Ekistics' protest was received in this Office on May 18, 1976.

Section 20.2(b)(1) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975) provides:

"\* \* \* Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals. In the case of negotiated procurements, alleged improprieties which do not exist in the initial solicitation but which are subsequently incorporated therein must be protested not later than the next closing date for receipt of proposals following the incorporation."

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As Ekistics' protest was filed more than one month after April 7, 1976, it is untimely and will not be considered by our Office.

  
Paul G. Dembling  
General Counsel