

DECISION

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

60634

FILE: B-185968

DATE: March 12, 1976

MATTER OF: Maritime Panel Systems, Inc.

98490

DIGEST:

Protest against restrictiveness of specifications not filed prior to solicitation of offers is untimely under GAO Bid Protest Procedures and not for consideration on merits.

Maritime Panel Systems, Inc. (Maritime), protests against an award by the Naval Supply Center, Charleston, South Carolina, under solicitation No. N00612-76-Q-0048.

On February 18, 1976, the procurement for plastic laminated paneling was approved on a sole-source basis. After learning of the procurement, on February 19, 1976, Maritime visited the vessel on which the paneling was to be installed and the procuring office. At that time, Maritime was orally advised of the applicable military specifications, including the requirement for plastic laminated paneling. The Navy telephonically solicited the sole source on February 23, 1976. The same day Maritime offered a vinyl laminate product and was advised that its offer was nonresponsive. The Navy reviewed its requirement for the plastic laminate and determined that vinyl laminate was unacceptable because of the durability of the product. Maritime was notified on February 26, 1976, of the findings and immediately protested to this Office.

The Bid Protest Procedures of our Office (40 Fed. Reg. 17979) require protests based upon alleged improprieties in any type of solicitation which are apparent prior to the closing date for receipt of proposals be filed prior to such closing date to be timely. Since Maritime did not file its protest against the alleged restrictiveness of the specifications until after it had submitted an offer which was rejected, the protest must be considered untimely and not for consideration on the merits.

Handwritten signature of Paul G. Dembling in cursive script.
Paul G. Dembling
General Counsel