

DOCUMENT RESUME

02388 - [A1572557]

[Restriction of Competition Due to Deficient Solicitation Specifications]. B-188998. May 25, 1977. 1 pp.

Decision re: Mutual of Omaha Insurance Co.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Department of Defense: Office of Civilian Health and Medical Program of the Uniformed Services.

Authority: Bid Protest Procedures, sec. 20.2(b)(1); 4 C.F.R. part 20.

Company protested any award under a request for proposals which it claimed contained certain sections which were deficient and thereby unduly restrictive of competition. Bid Protest Procedures require that protests against alleged improprieties apparent in a solicitation be filed before the closing date for receipt of the initial proposals. Since this protest was filed after the closing date, it was untimely and was not considered on its merits. (Author/SC)

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B. [unclear]

DECISION



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

FILE: E-185998

DATE: May 25, 1977

MATTER OF: Mutual of Omaha Insurance Company

DIGEST:

Protest against deficient specifications filed after closing date for receipt of initial proposals is untimely filed and not for consideration on merits under 4 C.F.R. 20.2(b)(1) (1977), which requires filing of protests against alleged improprieties apparent in solicitation before closing date for receipt of initial proposals.

The Mutual of Omaha Insurance Company (Mutual) protests any award under request for proposals (RFP) MDA 906-77-R-0019, issued by the Office of Civilian Health and Medical Program of the Uniformed Services, Department of Defense, on the basis that certain sections of the solicitation specifications are deficient and thereby unduly restrict competition.

Section 20.2(b)(1) of our Bid Protest Procedures (4 C.F.R. part 20 (1977)) states protests based upon alleged solicitation improprieties apparent prior to the closing date for receipt of initial proposals must be filed prior to the closing date for receipt of initial proposals. The RFP was mailed to proposers on February 18, 1977. The initial closing date for receipt of proposals was April 7, 1977. Mutual protested here on May 3, 1977. Since the deficiencies in the specifications were apparent prior to the initial closing date (April 7), the protest must have been filed before that date in order to be timely.

Accordingly, the protest is untimely and will not be considered on the merits.

Paul G. Dembling
Paul G. Dembling
General Counsel