

DOCUMENT RESUME

02969 - [A1892968]

[Protest against Alleged Oral Changes in Specifications].  
B-189321. July 5, 1977. 2 pp.

Decision re: Jet International, Inc.; by Milton Socolar (for  
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 (050).

Organization Concerned: Department of the Army.

Authority: 4 C.F.R. 20.2(b)(1). B-184194 (1976).

Bidder protested alleged oral specification changes concerning compatibility of procured items to existing Government equipment. Protest came after close of date for initial receipt of proposals, and was therefore rejected as untimely. Alleged impropriety was apparent prior to closing date. (Author/DJM)

2968

02969

P.L. I  
Boyle

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20540**

FILE: B-189321

DATE: July 5, 1977

MATTER OF: Jet International, Inc.

**DIGEST:**

Contention, made after closing date for initial proposals, that RFP should be amended to list salient characteristics of Government-furnished equipment to be used in connection with items being procured is untimely under Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1977), because alleged impropriety was apparent prior to closing date for initial proposals.

Jet International, Inc., by letter received on June 13, 1977, protests against any award under request for proposals (RFP) No. DAAE07-77-R-3010 issued by the Army for certain automatic data processing equipment.

Jet International objects to alleged oral specification changes--requiring items to be procured to be compatible with existing Army equipment--made by an Army contract specialist over the telephone on June 10, 1977. However, the RFP provided that the required terminal, remote control unit, terminal controller, and terminal printers must be "plug to plug compatible" with existing installed equipment without any changes or modifications to existing hardware or software. Jet International states that the RFP did not list the salient characteristics of each item of Government-furnished equipment to be controlled by equipment to be provided under the RFP. Jet International now requests, after the May 28, 1977, closing date for receipt of initial proposals, that the Army be directed to provide such a list and that each offeror be allowed sufficient time to submit a revised proposal or best and final offer.

Section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1977), provides that protests based upon alleged improprieties in any type of solicitation which are apparent prior to the closing date for receipt of initial proposals shall be filed prior to such closing date. Since Jet International's protest is against an

B-189321

alleged impropriety apparent prior to the closing date for receipt of initial proposals, it had to be filed here prior to May 28, 1977, in order to be timely. University of New Orleans, B-134194, January 14, 1976, 76-1 CPD 22. Therefore, the Jet International protest will not be considered.

*Milton J. Arista*  
for Paul G. Dembling  
General Counsel