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DECISION



R. Blum
Pace

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

FILE: B-189908

DATE: November 4, 1977

MATTER OF: Masoneilan Regulator Company

DIGEST:

Protest challenging adequacy of float valve specifications in RFP which is filed subsequent to date for receipt of initial proposals is untimely and not for consideration on merits.

On April 11, 1977, Portsmouth Naval Shipyard issued RFP H00102-77-Q-0240 for the procurement of seven float valves, which were to be manufactured in accordance with a drawing prepared by Masoneilan Regulator Company (Masoneilan). May 13, 1977, was established as the date for receipt of initial proposals.

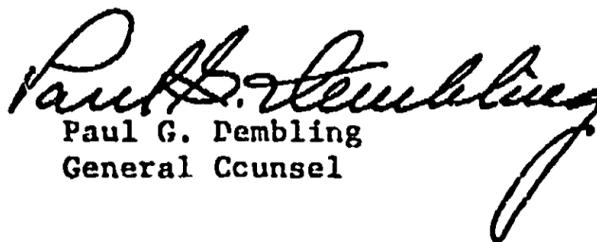
By letter dated August 1, 1977, Masoneilan, one of the offerors, protests the use of its drawing. More specifically, Masoneilan contends that the drawing is adequate only for making emergency repairs and not for manufacturing of complete valves.

The Navy states that Masoneilan's protest, which challenges the adequacy of the specifications, is untimely and should be dismissed because it was not filed until after the date set for receipt of proposals.

In this regard, 4 C.F.R. § 20.2(b)(1) (1977) provides in part that:

"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."

For the reasons stated by the Navy, we agree that Masoneilan's protest is untimely and not for consideration on the merits.


Paul G. Dembling
General Counsel