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DECISION



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

9324

FILE: B-193611

DATE: March 6, 1979

MATTER OF: California Computer Products, Inc.

CNU-00343

[Protest Alleging Solicitation Defects]
DIGEST:

Since protest against specifications involving alleged apparent solicitation defect was not filed prior to closing date for receipt of initial proposals, protest is untimely and will not be considered on merits.

On December 4, 1978, we received a protest from California Computer Products, Inc. (Calcomp), concerning request for proposals (RFP) No. CDPR-D-00014-N issued by the General Services Administration (GSA). Calcomp protested certain mandatory specifications as being unduly restrictive of competition. The closing date for receipt of initial proposals was December 1, 1978.

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Procedures governing the consideration of bid protests before our Office provide that protests involving apparent defects in an RFP must be filed prior to the closing date for receipt of initial proposals. 4 C.F.R. § 20.2(b)(1) (1978). Protests filed after that time are untimely and will not be considered on the merits. Since Calcomp's December 4, 1978, protest involved alleged "apparent" solicitation defects and it was not filed prior to the closing date for receipt of initial proposals, it will not be considered.

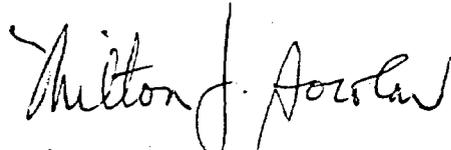
However, on January 18, 1979, GSA amended the RFP (1) to relax the specifications in a manner beneficial to Calcomp, and (2) to establish a new closing date of January 29, 1979. Prior to the revised closing date, GSA received a letter from Calcomp expressing the view that several areas of the RFP were still unreasonable and restrictive. Calcomp (1) specifically objected to the specifications resulting from the amendment to the RFP,

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(2) requested that they be changed, and (3) requested that the closing date be extended. GSA did not view Calcomp's letter as a protest and went ahead with the closing date as scheduled.

If we considered Calcomp's letter to GSA an agency protest, then the initial adverse agency action was GSA's proceeding with the closing, as scheduled, instead of taking the corrective action suggested by Calcomp. Jazco Corporation, B-192407, August 31, 1978, 78-2 CPD 162. To be considered timely, Calcomp would have had to protest here within 10 working days after the closing date. Since Calcomp did not do so, any protest at this time would be untimely.



Milton J. Socolar
General Counsel