

ms. Eaton  
PLII

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**DECISION**



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

FILE: B-199429

DATE: October 7, 1980

MATTER OF: Megatek Corporation

plc 05297

**DIGEST:**

[*Untimely* Protest alleging that solicitation was restrictive] and that equipment specified did not meet requirements of user which is filed after closing date for receipt of initial proposals, is untimely under GAO Bid Protest Procedures.

Megatek Corporation (Megatek), through its representative, TelFree Associates, protests the terms of request for proposals No. 5-73552/040, issued by the National Aeronautics and Space Administration's Goddard Space Flight Center. The agency sought delivery and installation of an interactive plotting system, together with maintenance, training, and documentation.

Megatek alleges that the solicitation was restrictive and specified equipment which did not meet the requirements of the user, as indicated by the agency's own ADP Feasibility Study, "Interactive Plotting System for the Laboratory for High Energy Astrophysics," July 1979.

The agency report indicates that the amended closing date for receipt of initial proposals was 3:00 p.m. June 30, 1980; Megatek's protest was not received in our Office until 2:52 p.m. the following day, July 1. Our Bid Protest Procedures, 4 C.F.R. 20.2(b)(1) (1980), require that protests based on alleged improprieties in a solicitation for a negotiated procurement be filed before the closing date for receipt of initial proposals. We therefore will not consider the matter. Oaktree Films/Columbia, B-198970, June 10, 1980, 80-1 CPD 403.

The protest is dismissed.

Milton J. Socolar  
General Counsel

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