

117785 21107 *3.10. 1982*



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

FILE: D-206635

DATE: March 12, 1982

MATTER OF: ITC-International Distribution and  
Control Division

**DIGEST:**

Protest that specifications are discriminatory and favor one manufacturer, filed more than two months after date of receipt of initial proposals, is not timely and will not be considered

ITC-International Distribution and Control Division protests what it categorizes as "the obviously discriminatory specifications" of Request for Proposals No. N00014-82-R-WC03 issued by the Department of the Navy, Naval Research Laboratory. ITC complains that only one manufacturer can comply with the specifications. ITC asserts that a letter from the contracting officer, pointing out various technical deficiencies in its proposal and requesting that they be corrected to make them responsive to the specifications, confirms this view.

Our Bid Protest Procedures, 4 C.F.R. §21.2(b)(1) (1981), require that protests based on apparent improprieties in a solicitation be filed prior to the closing date for the receipt of initial proposals. The allegation that the specifications are discriminatory is based on improprieties that are apparent in the solicitation, and that fact is confirmed by the contracting officer's request that ITC's technical proposal be corrected to make it responsive to the specifications. According to ITC, initial proposals were received on December 28, 1981. The protest was filed on March 8, 1982. Therefore, the protest is untimely and will not be considered.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel