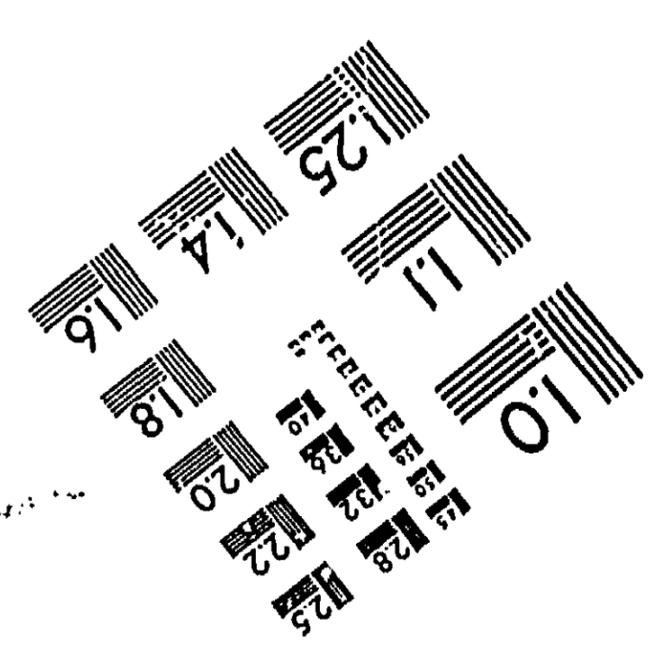
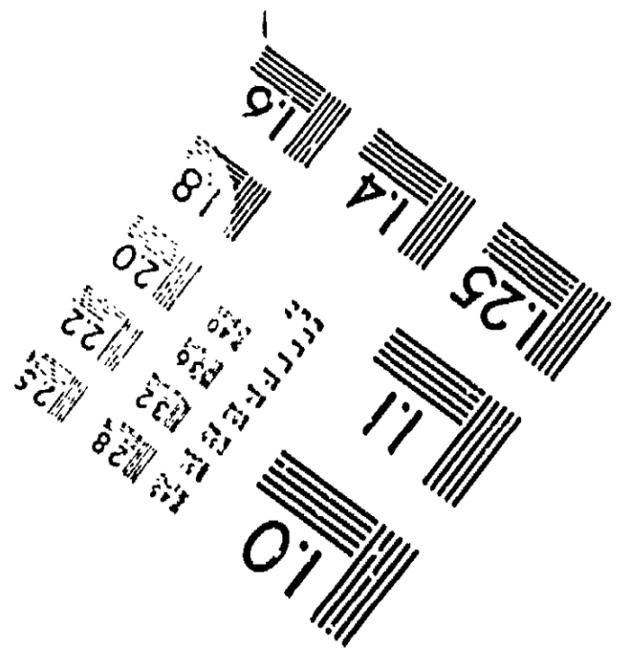
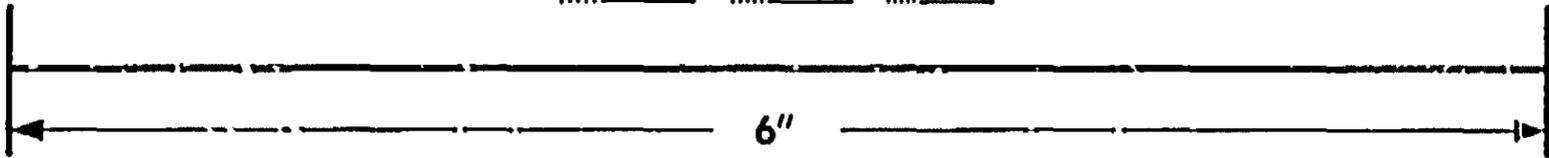
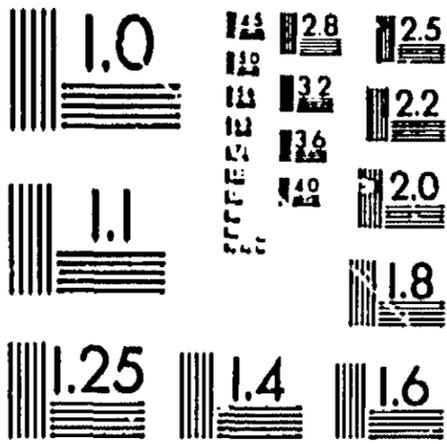


**IMAGE EVALUATION
TEST TARGET (MT-3)**



PHOTOGRAPHIC SCIENCES CORPORATION
770 BASKET ROAD
P.O. BOX 338
WEBSTER, NEW YORK 14580
(716) 265-1600



DECISION

118576
H. R. ...
Ph. 1

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

FILE: B-207417

DATE: June 7, 1982

MATTER OF: Turbodynamics

DIGEST:

GAO will not consider an appeal from the contracting agency's denial of a protest based on alleged improprieties that were apparent from the request for proposals where the initial protest was not filed before the closing date for receipt of initial proposals.

Turbodynamics protests the award of a contract under request for proposals (RFP) No. F41608-81-R-1539, issued by the Department of the Air Force (Air Force), to Telectro-Mek, Inc. Essentially, the basis for the protest is the allegation that since certain of the manufacturers' tank and pump assemblies listed by part number should not have been listed in the RFP due to "lack of qualification," the award is improper. We dismiss the protest.

The protester's submission shows that the closing date for receipt of proposals was December 4, 1981, and award of the contract was March 4, 1982. Turbodynamics initially protested to the contracting agency by mail-gram of March 8, 1982, which protest the agency denied in an April 21 letter. The protest to our Office was filed on May 7.

Our Bid Protest Procedures require that if a firm files a protest with the contracting agency which is based on alleged improprieties that were apparent from the RFP as issued, a subsequent protest to our Office will be considered on the merits only if the initial protest was filed before the closing date for receipt of initial proposals. 4 C.F.R. § 21.2 (1981) While the protest to the agency was filed within 10 working days of award, the basis for the protest was not the award, as argued by Turbodynamics, but rather the alleged apparent improprieties in the RFP. We

note the protester received the documentation from the Air Force on June 2, 1981, under the Freedom of Information Act, which it claims shows the lack of qualification of the Telectro-Mek item. Therefore, the protest should have been filed prior to December 4, the closing date. Since it was not, the protest is untimely and not for consideration.

The protest is dismissed.

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

B I L L A N K

P A G E

END