

With respect to Glatzer's two other protest allegations, our Bid Protest Procedures, 4 C.F.R § 21.2(b)(2) (1982), require filing not later than 10 days after the basis for protest is known. Glatzer was advised by NASA by letter dated August 24, 1982, that its proposal had been found technically acceptable, but was not found to be within the competitive range since it did not have a reasonable chance of being selected for award after the conduct of further negotiations. Glatzer was notified by NASA at a debriefing conference held on September 16, 1982, that its proposal had been downgraded for failure to include material which Glatzer asserts is purely administrative. Glatzer's protest was filed in our Office more than 10 working days later.

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

**DECISION**



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

**FILE:** B-209440

**DATE:** November 12, 1982

**MATTER OF:** Glatzer Industries Corp.

**DIGEST:**

Protest is dismissed as untimely where allegations of improprieties apparent in solicitation were filed with GAO after closing date for receipt of proposals and other allegations were filed with GAO more than 10 working days after protester learned of basis for protest.

Glatzer Industries Corp. (Glatzer) protests the rejection of its proposal under request for proposals (RFP) No. 5-93970/429 issued by the National Aeronautics and Space Administration (NASA).

Glatzer alleges that: (1) negotiations were not held with all technically acceptable offerors; (2) the RFP needed a preproposal clarification conference, which NASA decided not to hold; (3) the level of effort required to accomplish the RFP goals was not clearly delineated; and (4) Glatzer's proposal was penalized during the evaluation for the absence of allegedly administrative items. Glatzer's protest was filed (received) in our Office on October 8, 1982.

We dismiss the protest as untimely.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1982), require that protests based upon alleged solicitation improprieties apparent before the closing date for receipt of initial proposals be filed prior to that date. The closing date under this RFP was May 25, 1982. Glatzer's protest that NASA failed to provide a necessary preproposal clarification conference or to clearly delineate the level of effort required under the RFP concerns improprieties which were apparent on the face of the solicitation, but the protest was not filed in our Office until more than 4 months after the closing date for the receipt of proposals.