

**DECISION**

27/3/83  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

24984

FILE: B-211318

DATE: April 26, 1983

MATTER OF: American International Associates, Inc.

**DIGEST:**

Protest concerning alleged solicitation impropriety received by GAO after the closing date for receipt of initial proposals is dismissed as untimely.

American International Associates, Inc. protests solicitation NO. FNP-A3-1466-N-3-29-83 issued by the General Services Administration (GSA) for office machine stands. The protest is dismissed as untimely.

The solicitation was synopsisized in the Commerce Business Daily on March 11, 1983 and specified a closing date for receipt of proposals of March 29. By certified letters dated March 28, the protester filed protests with both GSA and this Office, contending that the agency had not allowed sufficient time for the preparation of offers. The protest to this Office was received on April 1; that to the agency on April 5.

Our Bid Protest Procedures provide that protests based upon alleged improprieties in a solicitation that are apparent prior to the closing date for receipt of initial proposals must be filed (received) either with our Office or with the contracting agency prior to that date. 4 C.F.R. § 21.2(b)(1) (1983); Achon-Charlier Security, Inc., B-208067.2, November 19, 1982, 82-2 CPD 458. A protest received in this Office after the closing date for receipt of proposals may nonetheless be considered provided it was sent by registered or certified mail not later than the fifth day prior to that date. 4 C.F.R. § 21.2(b)(3). Because the alleged impropriety here--insufficient time for the preparation of offers--

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B-211318

was apparent from the face of the solicitation, any protest should have been filed prior to March 29. The protest filed with this Office was received after March 29 and, although sent by certified mail, was sent only 1 day prior to that date. The protest is therefore untimely and will not be considered.

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