

DECISION

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

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FILE: B-212328

DATE: July 28, 1983

MATTER OF: International Alliance of Theatrical
Stage Employees and Moving Machine
Operators of the U.S. and Canada.

DIGEST:

Protest based on the failure to include a wage rate determination in an RFP is untimely under GAO's Bid Protest Procedures where it was not filed before the closing date for receipt of initial proposals.

International Alliance of Theatrical Stage Employees and Moving Machine Operators protests the National Aeronautics and Space Administration's (NASA) failure to request from the Department of Labor a Service Contract Act wage rate determination for inclusion in request for proposals (RFP) No. 10-2-0049-3. We dismiss the protest as untimely.

Our Bid Protest Procedures require protests based on alleged improprieties in a solicitation that are apparent prior to the closing date for receipt of initial proposals to be filed before that date. 4 C.F.R. § 21.2(b)(1) (1983). The omission of a wage rate determination from an RFP therefore must be protested prior to the closing date, R.E. Skinner & Associates, B-201064, November 18, 1980, 80-2 CPD 376, which in this case was April 29, 1983. The protest, filed with our Office on July 11, therefore is untimely.

The protest is dismissed.

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

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