

DECISION

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

FILE: B-212798**DATE:** October 25, 1983**MATTER OF:** Enterprise Machine, Inc.**DIGEST:**

1. Allegation that solicitation did not accurately reflect Navy's needs is untimely where filed after the initial closing date for receipt of proposals.
2. Allegation that agency should have accepted proposal offering to repair existing government equipment at lower cost rather than providing new equipment is untimely since amendment to the solicitation indicated that no provision exists for government-furnished material and, therefore, protest should have been filed not later than the next closing date.

Enterprise Machine, Inc. (Enterprise), protests the award of a contract to Crotts and Saunders Engineering under request for proposals (RFP) N00612-83-R-0213 issued by the Department of the Navy.

The RFP solicited offers for eight taper attachments for machine lathes aboard the USS Simon Lake. Enterprise argues that five units would be more than adequate to meet the ship's needs and contends that it is the only offeror which has taken the time and effort to determine what the Navy actually needs. Enterprise conducted an onsite inspection and determined that six of the existing machines had taper attachments which could be repaired. Accordingly, Enterprise submitted a proposal which would repair the existing units and provide two additional complete units. Enterprise contends that the award to Crotts and Saunders for new taper attachments is a waste of the taxpayers' money since the existing units could be repaired at a much lower cost.

We dismiss the protest.

Our Bid Protest Procedures require that a protest based upon alleged improprieties in an RFP which are apparent prior to the closing date for receipt of proposals

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be filed prior to the closing date. 4 C.F.R. § 21.2(b)(1) (1983). Also, where the alleged improprieties do not exist in the initial solicitation, but are subsequently incorporated therein, a protest must be filed not later than the next closing date.

Enterprise's allegation that the solicitation did not adequately reflect the Navy's requirements should have been filed prior to the initial closing date. Further, to the extent Enterprise is contesting the Navy's refusal to permit the existing taper attachments to be repaired, we note that amendment No. 0001 clearly indicated that no provision existed for government-furnished material, which should have put Enterprise on notice that the existing taper attachments were not going to be furnished to the contractor for repair. Accordingly, we find that this protest ground should have been filed prior to the closing date for best and final offers.

Under these circumstances, the protest filed by Enterprise is untimely and will not be considered on the merits.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel