

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

27269

**FILE:** B-213130**DATE:** January 23, 1984**MATTER OF:** Electronic Space Systems Corporation**DIGEST:**

Protest alleging defect apparent on the face of a solicitation which is filed with a proposal does not constitute a timely protest to the contracting agency.

Electronic Space Systems Corporation (ESSCO) protests any award under negotiated solicitation No. N00014-83-R-MM77, issued by the Naval Research Laboratory (NRL), Department of the Navy.

We dismiss the protest as untimely.

ESSCO contends that the specification included in the solicitation was impossible to meet. In submitting its proposal in response to the solicitation, ESSCO pointed out this alleged defect in the specification.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1983), require that protests based upon alleged solicitation defects apparent before the closing date for receipt of initial proposals be filed prior to that date. It is well settled that a protest alleging defects which are apparent on the face of the solicitation which is filed with a bid or included in a proposal will not be considered timely. Glatzer Industries Corp.--Reconsideration, B-209440.2, March 1, 1983, 83-1 CPD 211. Thus, ESSCO's protest regarding the specification defect was clearly untimely.

ESSCO's request for a conference on the protest is denied since, in light of the above, it would serve no useful purpose. Zimmerman Plumbing and Heating Company, B-211879, June 24, 1983, 83-2 CPD 16.

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

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