

DECISION



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

27290

FILE: B-212895.2

DATE: January 30, 1984

MATTER OF: Canadian Commercial
Corporation

DIGEST:

Protest concerning alleged solicitation improprieties is untimely under GAO Bid Protest Procedures which require protests based upon alleged solicitation improprieties that are apparent prior to the closing date for receipt of proposals to be filed before that date and protests based upon alleged improprieties which do not exist in the initial solicitation that are subsequently incorporated therein to be protested not later than the next closing date for receipt of proposals.

Canadian Commercial Corporation (CCC) protests certain restrictions in request for proposals (RFP) No. DLA100-83-R-0588 issued by the Defense Logistics Agency (DLA).

We dismiss the protest.

Our Bid Protest Procedures require that protests based upon alleged solicitation improprieties which are apparent prior to the closing date for receipt of proposals must be filed prior to that date. 4 C.F.R. § 21.2(b)(1) (1983). Also, protests based on alleged improprieties which did not exist in the initial solicitation and are subsequently incorporated therein must be protested not later than the next closing date for receipt of proposals following the incorporation. Id. The allegedly restrictive clauses which form the basis of CCC's protest were reinserted in the RFP by amendment dated October 18, 1983, and the subsequent closing date for receipt of offers was November 2, 1983. Since CCC's protest was not received in our Office until December 14, it was not timely filed and will not be considered on the merits. Crown Point Coachworks and R&D Composite Structures; North American Racing Company, B-208694, B-208694.2, September 29, 1983, 83-2 CPD 386.

Harry R. Van Cleve
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Acting General Counsel

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