

Support  
28568

**DECISION**



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

**FILE:** B-215330

**DATE:** June 19, 1984

**MATTER OF:** List & Clark Construction Co.

**DIGEST:**

Protest against alleged defect in solicitation filed after closing date for receipt of proposals is untimely.

List & Clark Construction Co. protests the issuance of request for proposals (RFP) No. DACW41-84-R-0129, issued by the Department of the Army, Corps of Engineers, Kansas City District. The RFP was issued March 30, 1984, for emergency repairs. The protester contends that this project should have been formally advertised rather than negotiated.

We dismiss the protest.

Our Bid Protest Procedures require protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of proposals to be filed prior to the closing date for receipt of proposals. 4 C.F.R. § 21.2(b)(1) (1983); Pitney Bowes, Inc., B-200016, December 30, 1980, 80-2 CPD 448. The extended closing date for receipt of proposals was May 2, 1984, but the protest was not filed (i.e., received) here until May 23, 1984. Since this protest concerns an alleged defect in the solicitation which was apparent prior to the closing date for receipt of proposals, but was filed after the closing date, it is untimely and will not be considered on the merits.

*Harry R. Van Cleve*  
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Acting General Counsel