

DECISION



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

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FILE: B-217479

DATE: March 7, 1985

MATTER OF: Esterline Angus Instrument Corporation

DIGEST:

Protest regarding a specification requirement is dismissed as untimely where the requirement was clearly stated in the request for proposals, but the protest was not filed until after the closing date for receipt of initial proposals.

Esterline Angus Instrument Corporation (Esterline) protests as unduly restrictive the specifications in request for proposals (RFP) No. N00406-84-R-2133, issued by the Naval Supply Center, Bremerton, Washington (Navy), for the procurement of 14 digital strip chart recorders. Esterline contends that the requirement that the recorders be able to print in a minimum of four colors exceeds the agency's minimum needs and is "artificial."

We dismiss the protest.

The RFP was issued on September 9, 1984, and the date established for receipt of initial proposals was October 10, 1984. The RFP required that the offered unit "shall have the capability of printing trend lines in a minimum of 4 different colors." Esterline's protest was filed with GAO on December 29, 1984.

Our Bid Protest Procedures require that protests based upon alleged improprieties in a request for proposals must be filed prior to the closing date for receipt of initial proposals in order to be considered on the merits. 4 C.F.R. § 21.2(b)(1) (1984); Belden Corporation, B-215478, June 19, 1984, 84-1 C.P.D. ¶ 647. It is clear from the RFP that four color printing capability is a mandatory requirement. If Esterline thought that was inappropriate, it was incumbent upon it to protest prior to the due date for receipt of initial proposals (October 10, 1984). Since Esterline's protest was not filed until after that date, it is untimely.

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The protest is dismissed.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the printed name.

Robert M. Strong
Deputy Associate General Counsel