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DECISION



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

FILE: B-218613

DATE: May 16, 1985

MATTER OF: SAFECOR

DIGEST:

Protest based upon alleged improprieties which do not exist in an initial RFP but which are subsequently incorporated into the RFP must be filed not later than the next closing date for receipt of proposals following the incorporation.

SAFECOR protests the award of a contract to NB Barber Company under request for proposals (RFP) No. N00140-84-R-1212 issued by the Naval Regional Contracting Center, Philadelphia, Pennsylvania for a fire alarm system. SAFECOR complains that the bill of material it submitted as a part of its proposal was improperly divulged to its competitor during the procurement.

The exhibits submitted with the protest show that the agency in its April 5, 1985 request for best and final offers incorporated in the RFP schedule the information which the protester contends came from its proposal. The letter provided that the amended schedule "shall be completed by all offerors as their best and final offer."

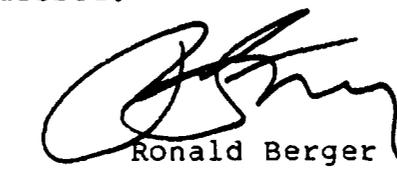
Our Bid Protest Regulations provide that protests based upon alleged improprieties that do not exist in an initial RFP, but which are subsequently incorporated into the RFP, must be filed not later than the next closing date for receipt of proposals following the incorporation. 4 C.F.R. § 21.2(a)(1) (1985). Here, the closing date following the alleged incorporation of SAFECOR's bill of material was April 17. Since SAFECOR's protest was not filed until May 9, any contentions concerning the impropriety of the RFP changes are untimely and will not be considered. Native American Management Services, Inc., B-216282, Sept. 17, 1984, 84-2 CPD ¶ 304.

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The protest is dismissed.


Ronald Berger
Deputy Associate
General Counsel