

DECISION



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

FILE: B-221560

DATE: January 15, 1986

MATTER OF: Abbott Products, Inc.

DIGEST:

Protest that RFP improperly restricted competition is dismissed as untimely when not filed before the closing date for the receipt of initial proposals.

Abbott Products, Inc., protests the rejection of its proposal as unacceptable under Department of the Army request for proposals (RFP) No. DAAA09-85-C-1960, for pallets. We dismiss the protest.

The RFP, issued on October 23, 1985, was restricted to offerors that were mobilization base producers. Abbott essentially protests that the restriction was improper because McGrail Equipment is the only source for this item that so qualifies. Abbott asserts that it submitted the lowest priced offer and requests that we advise the Army to award the contract to Abbott.

Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1985), require that a protest based upon alleged improprieties that are apparent from an RFP be filed before initial proposals are due. Abbott's complaint is based on a matter evident from the RFP. Consequently, the protest against the restriction, which by its terms precludes any award to Abbott, is untimely since it was not filed until January 6, 1986, well after the November 22 closing date for the receipt of initial proposals. Corvus Systems, Inc., B-211082.3, Feb. 11, 1985, 85-1 C.P.D. ¶ 173.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "R. Strong".

Robert M. Strong
Deputy Associate General Counsel

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