

DECISION

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

FILE: B-222429

DATE: April 7, 1986

MATTER OF: Hampton Roads Holdings, Inc.

DIGEST:

Protest that deadline for submission of best and final offers did not allow adequate proposal preparation time is untimely under GAO Bid Protest Regulations since protest was submitted after the closing date.

Hampton Roads Holdings, Inc. (Hampton), protests the Military Sealift Command's (MSC) refusal to consider its best and final offer under request for proposals No. N0003-86-R-4005, which was submitted after the time specified for receipt of best and final offers.

We dismiss the protest as untimely.

Hampton does not dispute that its best and final offer was submitted late, but rather protests that MSC provided insufficient time to revise proposals after allegedly altering a contract requirement. Hampton complains that the firm received a letter from MSC advising of the revised solicitation requirement only 1 day prior to the February 25, 1986, closing date for best and final offers and, therefore, was forced to rely on a commercial carrier rather than on the United States Postal Service for delivery of its bid.

MSC has advised our Office that three offerors in the competitive range timely submitted best and final offers.

Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1985), provide that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of proposals and, in a negotiated procurement, alleged improprieties which do not exist in the initial solicitation, but which are subsequently incorporated therein, must be filed not later than the next

closing date for receipt of proposals. An allegation of insufficient response time for best and final offers involves the type of impropriety contemplated by that requirement. Institute of Gerontology, University of Michigan, B-205164, Mar. 3, 1982, 82-1 C.P.D. ¶ 191. Here, Hampton knew prior to the closing date for best and final offers that the agency allegedly had changed a contract requirement without allowing additional time to submit best and final offers. Therefore, Hampton's protest filed after the closing date (we received Hampton's protest on March 21, 1985, almost a month after the February 25, 1985, closing date) is untimely and will not be considered on the merits. J.E. Steigerwald Company, B-218536, Apr. 19, 1985, 85-1 C.P.D. ¶ 453; Institute of Gerontology, University of Michigan, B-205164, supra.

Protest dismissed.



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