

DECISION

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

FILE: B-223248 **DATE:** June 17, 1986
MATTER OF: York International Corporation

DIGEST:

Protester's oral complaint to contracting officer before the closing date for the receipt of initial proposals that the solicitation included restrictive specifications and an unreasonable delivery schedule did not constitute timely protest since oral complaint to agency does not constitute a protest. Therefore, protest of alleged solicitation improprieties to GAO filed following the closing date for the submission of initial proposals is dismissed as untimely.

York International Corporation (York) protests the provisions of request for proposals (RFP) No. F41800-86-R-0290, issued by the United States Air Force for centrifugal chillers at Fort Sam Houston, Texas. The protester contends that the solicitation is unnecessarily restrictive of competition and contains an unreasonable delivery schedule. We dismiss the protest.

On March 24, 1986, notice of this procurement was published in the Commerce Business Daily. York states that it orally protested this notice to the contracting agency. Our Office received York's protest concerning this matter on June 3. The closing date for the receipt of initial proposals was May 21.

Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1986), require that protests such as this, based on alleged improprieties apparent in a solicitation, be filed prior to the closing date for the receipt of initial proposals. Carmel Marina Corporation, B-221985, Mar. 21, 1986, 86-1 C.P.D. ¶ 285. York's protest was not filed with our Office until after the May 21, 1986, closing date for the submission of initial proposals and, therefore, is untimely.

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Although York expressed concern about this procurement to the contracting agency prior to the closing date, the firm's oral complaint to the contracting agency did not constitute a protest such that a subsequent protest to our Office would be timely. Oral protests are no longer provided for under the Federal Acquisition Regulation, 48 C.F.R. § 33.101 (1985); K-II Construction, Inc., B-221661, Mar. 18, 1986, 65 Comp. Gen. _____, 86-1 C.P.D. ¶ 270.

Accordingly, the protest is dismissed.



Robert M. Strong
Deputy Associate
General Counsel