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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Broderick & Bascom Rope Company
File: B-224315
Date: September 19, 1986

DIGEST

Protest to GAO of alleged improprieties in a solicitation, initially filed with the contracting agency, must have been filed with the agency prior to closing date for receipt of proposals for it to be considered timely.

DECISION

Broderick & Bascom Rope Company (B&B) protests the evaluation criteria used in request for proposals (RFP) No. N00140-85-R-2289, issued by the Department of the Navy for a quantity of wire rope. B&B states that the evaluation criteria contained in Section "M" of the solicitation are flawed. B&B had earlier protested the evaluation criteria to the Navy, but its protest was denied because it was not filed until after the closing date for the solicitation.

Section 21.2(a)(3) of our Bid Protest Regulations, 4 C.F.R. part 21 (1986), states that if a protest has been filed initially with the contracting agency, any subsequent protest to the General Accounting Office filed within 10 days of knowledge of initial adverse agency action will be considered, provided the initial protest to the agency was filed in accordance with the time limits prescribed. Section 21.2(a)(1) requires that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals be filed before that date.

B&B's initial protest of the evaluation criteria in the solicitation was untimely when earlier filed with the Navy. The protest to our Office therefore is dismissed.

A handwritten signature in cursive script, reading "Robert M. Strong", is written over the typed name and title.

Robert M. Strong
Deputy Associate General Counsel

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