



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Comspace Corporation  
File: B-223556  
Date: September 26, 1986

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### DIGEST

Protest against agency's acceptance of alternate offer under solicitation that allegedly did not provide for the acceptance of alternate offers is untimely where the agency notified offerors of its decision to accept alternate offer in request for updated offers and the protester did not protest before the next closing date.

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### DECISION

Comspace Corporation (Comspace) protests actions under request for proposals (RFP) No. DLA900-85-R-4770, issued by the Defense Electronics Supply Center (DESC), for electrical contacts. Comspace contends that DESC improperly accepted an offer proposing an alternate product and thus violated the terms of the RFP, which allegedly did not provide for alternate or equal products.

We dismiss the protest.

The RFP closing date was on December 9, 1985. DESC reports that several companies submitted offers, including a company that offered an alternate to the item listed in the RFP, as authorized by the RFP's "Products Offered" clause. After extensive evaluation, DESC determined the alternate product to be acceptable. However, due to the time devoted to evaluating the alternate product, DESC determined that it was appropriate to request updated proposals from all offerors. Therefore, by letter dated June 14, 1986, DESC notified offerors that an alternate offer had been evaluated and found to be acceptable and further requested that offerors update their initial proposals. Revised proposals were required to be furnished no later than June 30, 1986.

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Under our Bid Protest Regulations, a protest based upon alleged improprieties that do not exist in an initial solicitation but which are subsequently incorporated must be protested no later than the next closing date for receipt of proposals following their incorporation. 4 C.F.R. § 21.2(a)(1) (1986). Comspace filed its protest on July 7, 1986, after the closing date. We find that Comspace's protest involves an alleged impropriety that did not exist in the original solicitation, but which was subsequently incorporated by virtue of DESC's request for updated proposals. Therefore, the protest is untimely and will not be considered on the merits. See University of Dayton Research Institute, B-220589, Jan. 30, 1986, 86-1 C.P.D. ¶ 108.

The protest is dismissed.

*John F. Mitchell*  
for Robert M. Strong  
Deputy Associate General Counsel