



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: DJW Services  
File: B-225732.2  
Date: May 27, 1987

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### DIGEST

1. Protest contending that request for proposals' technical evaluation provisions are unduly complex is untimely when not filed before the time set for receipt of initial proposals.
2. Protest of award by a firm that is not line for award if the protest were sustained is dismissed since protester does not have the required direct interest in the contract award to be considered an interested party under Bid Protest Regulations.

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### DECISION

DJW Services protests award to Diversified Technology & Services of Virginia, Inc. (DTSV) under request for proposals (RFP) No. F41800-87-R-0662, issued by the Department of the Air Force for offers to operate postal service centers on Lackland Air Force Base, Texas. DJW contends that the Air Force imposed complex evaluation standards for the relatively simple function of delivering mail. DJW further contends that as it was the low, responsive and responsible offeror, it should have received the award. DJW's protest was received in our Office on March 31, 1987.

DJW's protest as it relates to the evaluation standards is untimely under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1986). These regulations require that alleged improprieties which are apparent prior to the closing date for receipt of initial proposals must be protested prior to closing. Synergetics International, Inc., B-225499, Dec. 2, 1986, 86-2 CPD ¶ 632. Therefore, if DJW believed that the Air Force imposed unduly complex evaluation standards, it should have protested before closing on the February 13, 1987, closing date for receipt of proposals.

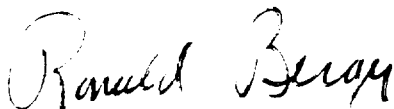
In its comments on the Air Force's report, DJW suggests that even if the issue regarding the evaluation standards is untimely, our Office should consider it because it is a

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significant issue. We disagree. Under the significant issue exception to our timeliness requirements, we consider untimely protests when they raise issues of wide-spread interest to the procurement community which have not previously been decided. Bell Atlanticom Systems, Inc., B-222601.2, June 30, 1986, 86-2 CPD ¶ 19. While we recognize that the evaluation requirements in this procurement may be important to DJW, they are not of widespread interest to the procurement community.

As for the award to DTSV, DJW does not appear to be an "interested party," as required by 4 C.F.R. § 21.1(a), to protest the award. The record indicates that another firm, Data Monitoring Systems (DMS), had a higher rated technical proposal and a lower price than DJW and there has been no challenge to DMS's technical acceptability or responsibility. Thus, even if the protest against the award to DTSV were sustained, DJW would not be in line for the award. Under these circumstances, DJW is not an interested party with the right to have its protest considered on the merits. St. Angelo East Coast Furniture Renewal, Inc., B-225320, Dec. 19, 1986, 86-2 CPD ¶ 693.

The protest is dismissed. -



Ronald Berger ✓  
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