



Comptroller General
of the United States

Washington, D.C. 20548

153228

Decision

Matter: Med-E-Jet Corporation

File: B-259666

Date: December 20, 1994

DECISION

Med-E-Jet Corporation protests as overly restrictive the specifications in solicitation No. SPO200-94-R-4249 issued by the Defense Logistics Agency. Med-E-Jet alleges that the "specifications . . . are not based on performance data but . . . on the narrow restrictive engineering [specifications], which . . . fit only one instrument."

We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation that should have been protested before the initial closing time for submission of proposals. Specifically, the protester states that the solicitation was issued in September of 1994 with proposals due by October 12, 1994. Med-E-Jet's protest to our Office was not filed until December 13, after the closing date for receipt of proposals.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. These rules specifically require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals must be filed prior to the closing time. 4 C.F.R. § 21.2(a)(1); Engelhard Corp., B-237824, Mar. 23, 1990, 90-1 CPD ¶ 324.

These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.-Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent these rules from becoming meaningless, exceptions are strictly construed and rarely used. *Id.*

The protest is dismissed.

Ronald Berger
Associate General Counsel