

Mr. Berger



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Comint Systems Corporation

File: B-261722

Date: June 20, 1995

DECISION

Comint Systems Corporation protests certain terms of request for proposals No. N00178-95-R-4044 issued by the Department of the Navy. Comint alleges that the solicitation should have been set aside for small businesses such as itself and is otherwise deficient in several respects.

We dismiss the protest as untimely because it challenges alleged improprieties in the solicitation that should have been protested before the initial closing time for submission 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. The term "filed" under our Bid Protest regulations means actual "receipt of the protest or other submissions" in our Office. 4 C.F.R. § 21.0(g).

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.

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