

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

50886

95427

FILE: B-184105

DATE: July 10, 1975

MATTER OF: United States Steel Corporation, USS Chemicals Division
Flight Systems, Inc., Rocket Jet/ARD Division

DIGEST:

Protests against alleged improprieties apparent in RFP which were filed after closing date for receipt of proposals must be dismissed as untimely filed.

On December 20, 1974, the Department of the Air Force, Kelly Air Force Base, Texas, issued request for proposal (RFP) No. F41608-75-31962 for Survival Kit Containers for the B-52 aircraft. As amended, the RFP required initial proposals to be submitted by March 17, 1975. Best and final offers were received on March 31, 1975. Both United States Steel Corporation, USS Chemicals Division and Flight Systems, Incorporated, Rocket Jet/ARD Division have filed protests with this Office contending that paragraph 3.3 of the RFP purchase description, regarding survival kit container requirements and submission of alternate survival kit containers, is ambiguous, inconsistent, misleading, and materially deficient. By letter of May 23, 1975, United States Steel first advised the Air Force that it considered paragraph 3.3 to be ambiguous and the firm requested that it either be deleted or revised. By letter of May 29, 1975, the Air Force advised that it did not consider it necessary to clarify or revise this provision. United States Steel then filed a protest with our Office on June 4, 1975. The protest by Flight Systems was first filed on June 24, 1975, after notification from the Air Force of the United States Steel protest.

Pursuant to section 20.2(a) of our Bid Protest Procedures, 4 C.F.R. 20.2(a) (1975), in effect at the time for receipt of proposals, protests against alleged improprieties apparent in a solicitation were required to be filed either with the contracting agency or this Office prior to the closing date for receipt of proposals. The record shows that neither United States Steel nor Flight Systems questioned the ambiguity of the subject paragraph prior to the closing date for receipt of proposals.

In view of the above, these protests must be dismissed as untimely filed.

A large, stylized handwritten signature in black ink, reading "Paul G. Dembling".

Paul G. Dembling
General Counsel