

DECISION



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

10,123

FILE: B-194619 DATE: May 10, 1979

MATTER OF: Grove Manufacturing Company

DIGEST:

Protest based upon ^{Alleging} ~~alleged~~ improprieties apparent in the specifications accompanying the solicitation is dismissed because it was not filed before closing date for receipt of initial proposals.

DLG 01561

Grove Manufacturing Company (Grove) protests that the specifications incorporated in request for proposals (RFP) No. FO9603-79-R-0982, issued by Warner Robins Air Force Base (Air Force), are unduly restrictive of competition. We find the protest to be untimely filed.

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DLG-01487

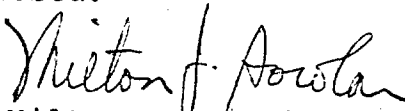
These specifications for hydraulic cranes were recently revised following the cancellation of a prior solicitation which Grove also protested on the same grounds. Grove contends the revisions are not sufficient to enable anyone to compete other than the Pettibone Corporation. Although Grove states that on March 14, 1979, it "suggested to [the Air Force] that another protest is in order because no progress has been made," we are advised that neither Grove nor the Air Force treated this letter as a protest. We are informed by the Air Force that Grove was sent the RFP, which required submission of proposals by March 28, 1979. Grove's protest was received in this Office on April 11, 1979 which was also the date the Air Force awarded the contract to the Pettibone Corporation.

Grove's protest to this Office is untimely under our Bid Protest Procedures, 4 C.F.R. 20.2 (1978). Protests based upon alleged improprieties apparent on the face of the solicitation must be filed prior to the closing date for receipt of initial proposals. As

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the alleged improprieties in the specifications which accompanied the resolicited RFP were apparent, this protest should have been filed prior to March 28, 1979 and it therefore will not be considered on its merits.

This protest is dismissed.


Milton J. Socolar
General Counsel