

DECISION



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

PL-C G

10,177

FILE: B-194706

DATE: May 14, 1979

MATTER OF: Sigma Consultants, Inc.

DIGEST:

[Protest ^{have been} alleging ~~that~~ RFP closing should be extended ⁷ first time stamped in GAO after closing date for receipt of proposals is untimely and not for consideration in absence of evidence to show actual timely receipt.

~ DLG 01562

a was protest
Sigma Consultants, Inc. (Sigma), received a copy of the Department of the Navy, Naval Supply Center, request for proposals (RFP) No. N00244-79-R-1797 on April 20, 1979, following its request of April 12, 1979. Inasmuch as the closing date for receipt of proposals was April 24, 1979, and Sigma did not receive the solicitation until April 20, 1979, that firm believes that to "provide maximum competition" the due date for receipt of proposals should have been extended.

for a DoD Navy RFP
Sigma's telex protest to our Office was time/date stamped as received in the GAO Index and Files section at 8:46 a.m. on April 25, 1979, the day after proposals were due. There is no other documentation of the time of receipt on the face of the telex or within GAO. Thus, it cannot be established from documentation within GAO that the protest was physically present prior to the April 24 closing time.

Section 20.2(b)(1) of the Bid Protest Procedures, 4 C.F.R. part 20 (1978), states:

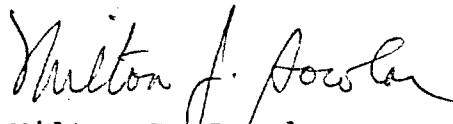
"Protests based upon alleged improprieties in any type of solicitation which are apparent to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals.* * *"

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Therefore, a protest against an RFP closing time received after the closing is untimely and not for consideration. See Bill Conklin Associates, Inc., B-191148, February 17, 1978, 78-1 CPD 144.

The GAO time/date stamp is prima facie evidence of the time of receipt of the protest at GAO, absent affirmative evidence to the contrary to show actual timely receipt. See Linguistic Systems Incorporated, 55 Comp. Gen. (B-193853, April 10, 1979).

Protest dismissed.


Milton J. Socolar
General Counsel