

DECISION



11935 PLI
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-196417

DATE: November 5, 1979

MATTER OF: Exhibit Designers & Producers
Association

DIGEST:

[Protest against alleged ^(solicitation) improprieties
contained in step I (request for technical
proposals) of two-step procurement which is
filed after closing date for receipt of ini-
tial proposals is untimely and will not be
considered on merits.]

By letter received in our Office on October 11, 1979, the Exhibit Designers & Producers Association (EDPA) protests against improprieties allegedly contained in solicitation No. DACW43-79-B-0066 issued by the Army Corps of Engineers for the design, fabrication and installation of exhibits for the Lake Shelbyville Visitor Center, Shelbyville, Illinois. DACW43-79-B-0066
AGC00305
DLG03266

EDPA contends that this formally advertised two-step procurement: 1) requires a vast amount of speculative input; 2) does not permit sufficient time for the preparation of a comprehensive and adequate submission; 3) does not make clear the relative importance of the evaluation criteria; 4) contains conflicting and ambiguous requirements; and 5) should have been issued as a request for proposals (RFP). In light of these deficiencies, EDPA believes that the solicitation should be canceled, corrected and reissued.

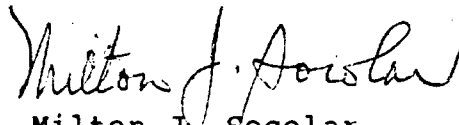
For the reasons indicated below, this protest is untimely and not for our consideration. Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1979), state in pertinent part that:

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

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Furthermore, we have held in connection with two-step procurements that solicitation improprieties must be protested prior to the step I (request for technical proposals) closing date. Mobility Systems, Inc., B-191074, March 7, 1978, 78-1 CPD 179.

Here, the closing date for step I proposals was October 10, 1979. While protests may be filed with either the agency or our Office, no protest was filed with the agency and EDPA's protest letter was not received in our Office until October 11, 1979. Therefore, under our Bid Protest Procedures, EDPA's protest is untimely and will not be considered on the merits.

A handwritten signature in dark ink, appearing to read "Milton J. Socolar". The signature is fluid and cursive, with the first name "Milton" being more prominent than the last name "Socolar".

Milton J. Socolar
General Counsel