

DECISION



13824 PL-2
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-198782

DATE: May 23, 1980

MATTER OF: United Computing Systems, Inc.

DIGEST:

Protest of alleged solicitation improprieties not filed prior to closing date for receipt of proposals is untimely and not for consideration on merits.

United Computing Systems, Inc. (UCS), protests against a solicitation requirement for Fortran 77 specified in request for proposals (RFP) No. DABT19-80-R-0030 issued by the Department of the Army, Fort Leavenworth, Kansas. UCS's protest was filed here on May 9, 1980.

UCS essentially contends that the RFP's Fortran 77 requirement (1) violates Federal procurement statutes and regulations, (2) constitutes an unreasonable requirement in view of the RFP's schedule, and (3) will result in a noncompetitive procurement in contravention of General Services Administration's delegation of procurement authority. The RFP also specified that the closing date for receipt of initial proposals was May 8, 1980.

Protests alleging solicitation improprieties, which are apparent prior to closing date for receipt of proposals, as here, must be filed prior to the closing date as provided in section 20.2(b)(1) of our Bid Protest Procedures. 4 C.F.R. part 20 (1980). See California Computer Products, Inc., B-193611, March 16, 1979, 79-1 CPD 150. Accordingly, UCS's protest filed here on May 9, 1980, is untimely and will not be considered on the merits. California Aero Dynamics Corporation, B-194967, October 25, 1979, 79-2 CPD 293.

Protest dismissed.

Nancy R. Socolar
for Milton J. Socolar
General Counsel

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