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DECISION



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

FILE: B-205497

DATE: February 4, 1982

MATTER OF: National Presort, Inc.

DIGEST:

1. Protester, well after the closing date for the receipt of initial proposals, alleged that the RFP impermissibly favored the eventual awardee. Since the protester admits that this alleged impropriety was apparent upon receipt of the RFP, the allegation is untimely under GAO's Bid Protest Procedures, which require a protest against an alleged solicitation impropriety that is apparent prior to the closing date for the receipt of initial proposals to be filed before that date.
2. Allegations that the awardee could not have met mandatory requirements in the RFP and that award at a price substantially higher than that submitted by the protester was improper, where filed more than ten working days after the bases of the allegations became known, are untimely under GAO's Bid Protest Procedures and will not be considered on the merits.

National Presort, Inc. protests the award of a contract to E-Systems, Inc. under request for proposals IRS-SW-81-09 issued by the Internal Revenue Service for an automated mail processing system. National Presort contends that certain aspects of the RFP favored E-Systems, that E-Systems cannot meet certain other specifications, and that award at a price substantially higher than that offered by National Presort was improper.

Because the protest was untimely filed, we will not consider it on the merits.

National Presort's first allegation is that the design of the system described in the RFP is nearly identical in many aspects to the design of the system offered by E-Systems. The protester admits that it recognized this fact before submitting its offer, but asserts that it nonetheless entered the competition because the RFP also included specifications that National Presort did not believe E-Systems could meet.

Our Bid Protest Procedures require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals be filed before that date. 4 C.F.R. § 21.2(b)(1)(1981). The closing date for receipt of initial proposals was August 31, 1981, and National Presort filed its protest on November 13. Since the basis of this allegation was apparent from the face of the solicitation, it was untimely filed.

National Presort also contends that the award was improper because, based upon E-Systems' published data, that firm could not have met a number of the RFP's functional and operational requirements. The protester additionally questions the propriety of awarding a contract to E-Systems for \$495,000 when National Presort offered its system for \$174,000.

Our Bid Protest Procedures also require that protests against other than apparent solicitation defects be filed not later than ten working days after the basis for protest is known or should have been known. 4 C.F.R. § 20.2(b)(2). Both these bases of protest were known to National Presort on October 13, when the firm received notification that the I.R.S. had awarded a contract to E-Systems for \$495,000 and that National Presort's proposal had been found to be technically unacceptable. Since National Presort did not file a protest until November 13, these allegations were also untimely filed and we will not consider them.

The protest is dismissed. We therefore deny the protester's request for a conference. See AAI Corporation, B-192346, November 3, 1978, 78-2 CPD 320.

Harry R. Van Cleve
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Acting General Counsel