

DECISION



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

FILE: B-215157

June 5, 1984

MATTER OF: Turbine Support Systems, Incorporated

DIGEST:

Protest regarding the acceptability of the awardee's product is dismissed as untimely where the awardee's product was identified in the solicitation as acceptable but the protest to GAO was not filed until more than 4 months after the closing date for receipt of proposals.

Turbine Support Systems, Incorporated, protests the award of a contract to Telectro-Mek, Inc., under request for proposals No. F41608-83-R-0233, issued by the Department of the Air Force for the procurement of type PMU-29/E tank and pump units for jet oil servicing.

It is clear from the solicitation and records available to us that Turbine's protest is untimely. We therefore dismiss the protest without further development. 4 C.F.R. § 21.3(g) (1984).

The solicitation as issued listed by part number two acceptable tank and pump assemblies, one manufactured by Telectro-Mek and one manufactured by Turbine. Turbine alleges that the Telectro-Mek assembly does not conform to the standard military specifications, MIL-T-38266B, for type PMU-29/E tank and pump units.

The solicitation was issued on September 26, 1983 and the closing date for receipt of proposals was December 30, 1983. Turbine did not file its protest with our Office until May 8, 1984. Turbine, however, previously protested to our Office that award under another solicitation was improper for the same reason alleged here--that the Telectro-Mek type PMU-29/E tank and pump assembly listed by part number as an acceptable unit under that solicitation did not conform to the applicable military specification. See Turbodynamics, B-207417, June 7, 1982, 82-1 CPD ¶ 547. Under these circumstances, we think it clear that

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the basis for complaint--that the Telectro-Mek part should not be viewed as acceptable--was evident from the solicitation.

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 proposals be filed prior to that date to be considered on the merits. 4 C.F.R. § 21.2(b)(1). See Julie Research Laboratories, Inc., B-213143, March 13, 1984, 84-1 CPD ¶ 294. Turbine's protest was not filed until 4 months after that date. The protest therefore is untimely.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel