



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Armory Discount Pope's Realty

File: B-246721

Date: December 2, 1991

James W. Pope, Sr., for the protester.
Linda C. Glass, Esq., Office of the General Counsel, GAO,
participated in the preparation of the decision.

DIGEST

1. Protest that agency improperly extended the closing date for receipt of proposals does not state a valid basis for protest where contracting officer has the discretion to determine if a closing date needs to be changed and the original closing date would have occurred on a federal holiday when the federal building where offers were to be delivered would be closed to the public.

2. Protest filed prior to evaluation of offers that anticipates that agency will not award in accordance with the solicitation evaluation criteria will not be considered by the General Accounting Office, since it is premature.

DECISION

Armory Discount Pope's Realty protests any award under request for proposals (RFP) No. 28-00-1-184, issued by the United States Department of Agriculture, Farmers Home Administration, for broker services. The protester contends that the closing date for receipt of proposals was improperly extended. The protester also anticipates that its allegedly low offer will not be accepted for award.

We dismiss the protest because it fails to state a valid basis for protest and is premature. See 4 C.F.R. § 21.3(m) (1991).

The RFP was originally issued with a closing date for receipt of proposals of October 14, 1991. The contracting officer reports that once he recognized that October 14 was a federal holiday and the federal building where offers were due would be closed to the public, he issued an amendment on October 11, extending the closing date to October 18 to avoid any inconvenience to the offerors and to better manage

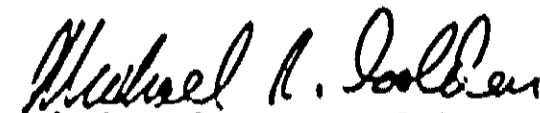
an extremely heavy workload. The agency received several timely proposals, including one from the protester, in response to the RFP.

The protester maintains that it submitted its proposal prior to the original closing date and any offers received after that date should be rejected as untimely.

Armory's objection to the extension of the closing date for receipt of proposals does not provide a valid basis for protest. A contracting officer has the responsibility for determining whether a closing date needs to be changed. Federal Acquisition Regulation (FAR) § 15.410(b). Further, the decision as to the appropriate time for proposal preparation lies within the discretion of the contracting officer. See Uniserv, Inc.; Fort Riley Food Serv. Co, B-228530; B-228530.2, Dec. 23, 1987, 87-2 CPD ¶ 621. Here, the original closing date would have occurred on a federal holiday when the facilities would be closed to the public. To alleviate any confusion concerning the timely receipt of proposals, we believe the contracting officer reasonably determined that the closing date needed to be extended. The protester has not alleged that it did not receive the amendment changing the closing date in a timely manner or that it was prejudiced in any meaningful way by the extension. Moreover, the protester and several other offerors submitted timely proposals that are currently under consideration.

As for Armory's allegation that its allegedly low offer will not be accepted for award, we dismiss this allegation as premature. The record shows that the agency received several proposals, including the protester's, and is currently evaluating these proposals. The award decision has not yet been made. Protests that merely anticipate allegedly improper agency action are speculative and premature. See General Elec. Canada, Inc., B-230584, June 1, 1988, 88-1 CPD ¶ 512. Consequently, there is no basis for us to consider this protest issue at this time.

The protest is dismissed.


Michael R. Golden
Assistant General Counsel