



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Overflow  
**File:** B-256373.2  
**Date:** April 20, 1994

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### DECISION

Overflow protests that the Department of Veterans Affairs solicitation No. 640-9-94 was improperly written to preclude the firm from receiving the award.

We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation that should have been protested before the initial closing time for submission of proposals.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. These rules specifically require that protests based upon alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals must be filed prior to the closing time. 4 C.F.R. § 21.2(a)(1); Engelhard Corp., B-237824, Mar. 23, 1990, 90-1 CPD ¶ 324.

These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent these rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

A handwritten signature in cursive script, appearing to read "John M. Melody".

John M. Melody  
Acting Associate General Counsel