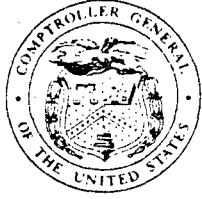


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**DECISION**

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

FILE: B-200927 DATE: November 18, 1980

DLG 0549

MATTER OF: Work System Design, Inc. ~~DLG 0549~~

DIGEST:

Protest Alleging Defects in Solicitation

Protest issues, based on alleged defects in solicitation, filed after closing date for receipt of initial proposals are dismissed as untimely.

CGC 00001

Work System Design, Inc. (WSD), protests under request for proposals (RFP) No. N00228-80-R-Y314 issued by the Department of the Navy. (The bulk of WSD's protest concerns deficiencies which were allegedly contained in the specifications. Because of these alleged deficiencies, WSD contends that the resulting competition and evaluation were not equitable, performance under the contract awarded will be impossible, and the contract awarded will be duplicative of requirements contracted for under prior Navy procurements.) (WSD also protests that many of the questions which were asked at a May 5, 1980, preproposal conference were inadequately answered by the contracting officer at that conference.) Furthermore, WSD contends that RFP amendment No. 0002, issued June 23, 1980, purported to answer preproposal conference questions, but, again, the answers provided were inadequate.

(The protest is dismissed as untimely.)

We note that WSD is a subcontractor. In view of our finding that WSD's protest is untimely, we need not determine whether this protest is the type of subcontractor protest which we will review if timely filed.

Essentially, (WSD contends that the RFP was improper and that the answers received at the preproposal conference and in the subsequent amendment to the RFP did not correct the situation.)

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Our Bid Protest Procedures, ✓4 C.F.R. § 20.2(b)(1) (1980), provide that (alleged improprieties in a solicitation which are apparent prior to the closing date for receipt of initial proposals shall be filed prior to the closing date for receipt of initial proposals.) The RFP required that proposals be submitted by July 11, 1980. WSD first filed a protest with the Navy on September 30, 1980. Its protest with our Office was filed October 20, 1980. (WSD's protest is untimely, since it was filed with both our Office and the Navy after the closing date for receipt of proposals.) Accordingly, we will not consider the protest on the merits. United Computing Systems, Inc., ✓B-198782, May 23, 1980, 80-1 CPD 361.

*for* *Harry D. Van Cleave*  
Milton J. Socolar  
General Counsel