

DECISION



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

FILE: B-184426

DATE: January 27, 1976

MATTER OF: University of Hawaii at Manoa

DIGEST:

1. Protest alleging that solicitation provided inadequate time for preparation and submission of proposals is untimely under 4 C.F.R. § 20.2(b)(1) (1975), which requires that issue be raised prior to closing date for receipt of proposals.
2. Protester is advised that ASPR does not provide a "grace period" beyond the due date for initial proposals to compensate for an offeror's geographical location.

Solicitation No. N00600-75-R-5852 was issued by the Naval Regional Procurement Office, Washington, D.C. on May 19, 1975 to provide educational courses for the Program of Afloat College Education (PACE). The original closing date for receipt of proposals at Washington, D.C., June 6, 1975, was extended to June 11, 1975, because the protester, University of Hawaii at Manoa, and another offeror, Chaminade College of Honolulu, indicated that they required additional time to prepare their proposals. Of the three proposals timely received on June 11, that of Chaminade College was determined to be most advantageous to the Government, and award was made to that institution on July 1, 1975. The protester's proposal was received at 10:45 a.m. on June 12, 1975. By letter of the same day, the protester was advised that its proposal was received late and would not be considered for award. Subsequently, the University appealed that decision to the contracting officer and upon his denial thereof the University filed a protest with our Office.

The protester contends that the number of days permitted for submission of proposals was inadequate and that a twelve-working-hour "grace period" should have been extended to Hawaiian offerors.

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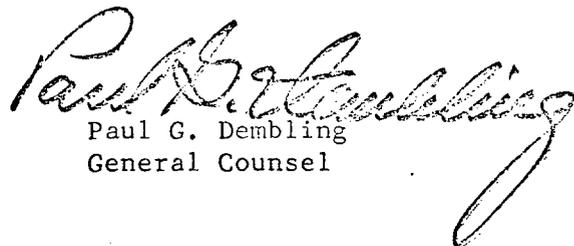
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With regard to the protester's contention that the solicitation afforded an inadequate time for submission of offers, our bid protest procedures provide in pertinent part:

"Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals." 4 C.F.R. § 20.2(b)(1) (1975).

As the limited time available for preparation and submission of proposals was apparent from the solicitation, as amended, a protest alleging a defect in that respect should have been filed prior to the closing date for receipt of initial proposals. Since the University of Hawaii at Manoa did not protest until after the closing date for receipt of initial proposals its protest is untimely and will not be considered on the merits.

With regard to the protester's suggestion that a "grace period" should have been extended to it, we must advise that the Armed Services Procurement Regulation does not provide for varying the times for proposal submission depending upon an offeror's geographical location. The contracting officer correctly established a common deadline for all offerors.


Paul G. Dembling
General Counsel