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DECISION



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

FILE: B-187721

DATE: November 12, 1976

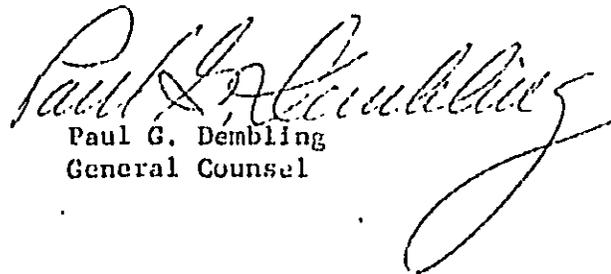
MATTER OF: Constantine N. Polites & Co.

DIGEST:

Protest alleging that specification is unduly restrictive, filed after time for receipt of proposals, is untimely.

Constantine N. Polites & Co. (Polites) protests as restrictive certain specifications included in solicitation N 00189 77R 0011, issued by the Naval Supply Center, Norfolk, Virginia. As indicated by Polites, the closing date for receipt of proposals was October 26, 1976. Polites had discussed the use of the questioned specifications, prior to that date, with agency personnel. Nevertheless, no protest was filed prior to receipt of Polites' protest in this Office on October 29, 1976.

As provided in § 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. 20.2(b)(1)(1976), a protest based upon an alleged impropriety in any type of solicitation, which is apparent prior to bid opening or the closing date for receipt of initial proposals, must be filed "prior to bid opening or the closing date for receipt of initial proposals." Since the protest was not filed prior to the closing date for receipt of proposals, the protest is untimely and will not be considered by our Office.


Paul G. Dembling
General Counsel