

*J. Vickers
Proc I*

DECISION



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

03953

FILE: B-190358

DATE: October 21, 1977

MATTER OF: K-MCC, Inc. Consultants

DIGEST:

Protest against restrictive specifications and ambiguous evaluation criteria filed after closing date for receipt of initial proposals is untimely under 4 C.F.R. § 20.2(b)(1) (1977) which requires filing of protests against alleged improprieties apparent in solicitation before closing date for receipt of initial proposals.

K-MCC, Inc. Consultants (K-MCC) has protested any award under request for proposals (RFP) No. 105-77-1032 issued by the Department of Health, Education, and Welfare.

K-MCC's protest is based on the contentions that the specifications are restrictive and that the evaluation criteria are ambiguous and open to unequal application.

Section 20.2(b)(1) of our Bid Protest Procedures (4 C.F.R. part 20 (1977)) states protests based upon alleged solicitation improprieties apparent prior to the closing date for receipt of initial proposals must be filed prior to the closing date for receipt of initial proposals. The closing date for the instant RFP was August 22, 1977, and the protest by K-MCC was not filed with our Office until a month later. Since the alleged deficiencies in the solicitation were apparent prior to the closing date, the protest is untimely.

Accordingly, the protest will not be considered on its merits.

Milton J. Acosta
for Paul G. Dembling
General Counsel