



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Com-Tech Service, Inc.

**File:** B-26075-

**Date:** March 28, 1995

## DECISION

Com-Tech Service, Inc. protests the award of a contract by the Department of the Navy under request for proposals No. N68171-95-R-0004. Com-Tech contends that it was not afforded an opportunity to compete on an equal basis because the agency did not provide any quantities under certain contract line item numbers (CLIN) until after offerors priced all other items.

We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation, incorporated after initial submission of offers, that should have been protested before the next closing date after the change was made to the solicitation.

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 proposals must be filed prior to the time for closing. 4 C.F.R. § 21.2(a)(1). This rule includes challenges to alleged improprieties which did not exist in the initial solicitation but which are subsequently incorporated into the solicitation. In such cases, the solicitation must be protested not later than the next closing date for receipt of proposals following the incorporation. NASCO Aircraft Brake, Inc., B-237860, Mar. 26, 1990, 90-1 CPD ¶ 330.

The protest is dismissed.

*Michael A. Golden*  
Michael Golden  
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