

DECISION



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

58923

FILE: B-184225

DATE: July 18, 1975

97360

MATTER OF: TYMSHARE, Incorporated

DIGEST:

Protest against solicitation requirement filed after closing date for receipt of proposals is untimely under Section 20.2 (b)(1) of GAO's Bid Protest Procedures and is not for consideration.

On June 18, 1975, TYMSHARE, Incorporated filed a protest concerning Interstate Commerce Commission (ICC) request for proposals (RFP) No. ICC-P-75-5. The basis of the protest is that a firm fixed-price contract as required by the RFP would not be in the best interest of the ICC.

The subject RFP, issued April 30, 1975, solicited proposals on a fixed-price basis for remote computing services, training and related system support for a period of 1 year. The RFP notified offerors that the closing date for receipt of proposals was June 2, 1975. Following receipt of initial proposals, all offerors (including TYMSHARE) were instructed that June 20, 1975, was the final cut-off date for receipt of best and final offers.

Section 20.2(b)(1) of GAO's Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), state:

"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.* * *"

TYMSHARE's June 18, 1975 protest to this Office concerning an alleged impropriety in the RFP which was apparent prior to the June 2, 1975 closing date for receipt of proposals, is thus untimely. Accordingly, the protest is not for consideration and no further action will be taken by our Office on the matter.

Paul G. Dembling
For the Paul G. Dembling
General Counsel