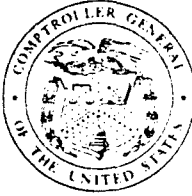


DECISION

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

30928 97538

FILE: B-172531

DATE: September 12, 1975

MATTER OF: Chicago Monarch Corporation

DIGEST:

1. Protest alleging improper manner of procurement (negotiated as opposed to advertised), filed after receipt of initial proposals, is untimely under § 20.2 (b)(1) of the Bid Protest Procedures which require that protests of this nature be filed prior to receipt of initial proposals.
2. Protest alleging procurement irregularities, first raised some 9-1/2 weeks after denial by procuring activity is untimely under § 20.2 (a) of the Bid Protest Procedures, which require that protests be filed not later than 10 working days after notification of adverse agency action.

By letter dated August 8, 1975, Chicago Monarch Corp. (CMC) has protested against the awarding of contract No. NOO123-75-C-1188 by the Naval Regional Procurement Office, Long Beach, California. CMC contends, in essence, that (1) the procurement should have been advertised instead of negotiated, and (2) that certain procurement irregularities occurred during the course of the procurement.

As concerns CMC's initial allegation, the record indicates that the award in question was made in February 1975. However, CMC did not protest the manner in which the procurement was conducted (negotiated as opposed to advertised) until March 6, 1975. Pursuant to § 20.2 (b)(1) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), protests based upon alleged improprieties which are apparent prior to the closing date for receipt of initial proposals must be filed prior to the closing date for receipt of initial proposals. Therefore, CMC's protest on this issue is untimely and will not be considered by our Office on its merits.

With regard to CMC's second contention, the record establishes that this issue was protested to the procuring activity by letters of March 6 and May 27, 1975. By letter dated June 3, 1975, the Naval Regional Procurement Office denied CMC's allegation concerning any possible violations of Navy/Federal/State/Local regulations

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and/or statutes during the course of the procurement action. Pursuant to § 20.2 (a) of our Bid Protest Procedures, it was then incumbent upon CMC, if it desired to protest this adverse agency action further, to do so within 10 working days. As CMC first raised this issue with our Office some 9-1/2 weeks later, it too has been untimely filed and will not be considered on its merits.

for Milton Focolar
Paul G. Dembling
General Counsel