

DECISION



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

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FILE: B-179984

DATE: January 4, 1974

MATTER OF: George A. Grant, Inc.

DIGEST: Protest by bidder after bid opening directed to Comptroller General through the procuring agency will not be considered when it relates to alleged ambiguities in the specifications. See 52 Comp. Gen. 905 (1973); B-179275, September 28, 1973.

The Bureau of Reclamation of the Department of the Interior issued invitation for bids specifications No. 100C-1280 for Drains - Blocks 18 and 46, East Low Canal Irrigation Area, Columbia Basin Project, Washington.

The three bids received were opened on September 11, 1973. Grant's apparent low bid was rejected by letter of September 26, 1973, as nonresponsive because the agency found that Grant had qualified its bid by including a stipulation that limited its responsibility to furnish plastic pipe meeting the specifications.

Grant, in an October 4, 1973, letter to the Regional Director of the Bureau of Reclamation, protested and requested a final determination by the Comptroller General. In support of its protest, Grant alleged that certain ambiguities existed in the specifications.

In order for our Office to consider a protest initially filed with the agency, the protest must have been first timely filed with the agency 52 Comp. Gen. 905 (1973); B-179275, September 28, 1973; see 4 CFR 20.2(a) copies enclosed.

The cited subsection of our bid protest procedures states that:

"* * * Protests based on alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date set for receipt of proposals shall be filed prior to bid opening or the closing date for receipt of proposals. * * *"

Grant admits that it was aware of problems in the specifications at least by September 10, 1973, the day before bid opening, but it did not submit a formal protest to the agency until October 4, 1973. Consequently

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we cannot view this protest as timely, nor do we believe that good cause for such a delay has been demonstrated. See 52 Comp. Gen. 20 (1972), copy herewith.

For the reasons noted above, we decline to consider the merits of the protest.


Deputy Comptroller General
of the United States