

DECISION



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

50887

95426

FILE: B-184281

DATE: July 10, 1975

MATTER OF: Dyneteria, Inc.

DIGEST:

Protest based on alleged lack of time to submit bids which was filed subsequent to bid opening is untimely in accordance with section 20.2(b)(1) of Bid Protest Procedures.

Solicitation No. DABT727-75-B-0064 was issued by the Department of the Army seeking bids for designated services at Fort Polk, Louisiana. As related to us by the protester, the solicitation in question, a small business set-aside, initially contained an improper size standard. Dyneteria states that "The improperly applied size standard denied this company the opportunity to bid this contract." However, it appears that the size standard was corrected by amendment of the solicitation before bid opening.

The actual basis of Dyneteria's protest is that sufficient time was not allowed subsequent to the amendment to permit it to bid on the contract. In this regard, section 20.2(b)(1) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), states that "Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening * * * shall be filed prior to bid opening * * *."

We believe that the alleged lack of time to prepare the bid was apparent prior to the opening of bids. Therefore, since Dyneteria's protest was not filed in our Office until after opening, its protest is untimely and will not be considered on the merits.

A large, stylized handwritten signature in cursive script, reading "Paul G. Dembling".

Paul G. Dembling
General Counsel