

DECISION



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

60043 97654

FILE: B-185343

DATE: November 28, 1975

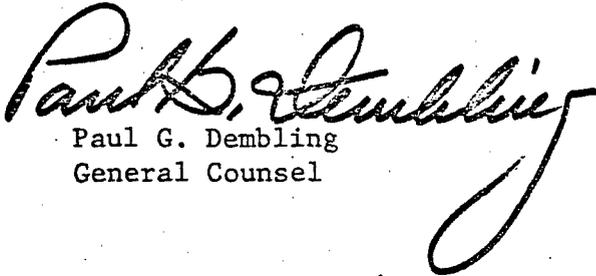
MATTER OF: Pete's & Purcell's -Mayflower
Transfer & Storage Company

DIGEST:

Protester who did not protest inclusion of geographical restriction in solicitation prior to bid opening is untimely since protests based upon alleged improprieties in solicitation which are apparent prior to bid opening date shall be filed prior to bid opening.

This is a protest by Pete's & Purcell's-Mayflower Transfer & Storage Company (P&P) against the award of a contract to any other bidder under invitation for bids (IFB) No. DABT15-76-B-0025, issued on October 8, 1975, by the United States Army Administration Center, Fort Benjamin Harrison, Indiana. P&P contends that a geographical restriction included in the solicitation is illegal since it excludes bidders from outside the area of responsibility from bidding.

Section 20.2(b)(1) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), provides that protests based upon alleged improprieties in solicitations which are apparent prior to bid opening shall be filed prior to bid opening. P&P's protest that the geographical restriction is illegal was received in our Office on November 12, 1975. Bid opening was on October 27, 1975. Therefore, the protest is untimely and will not be considered on its merits.


Paul G. Dembling
General Counsel