

**DECISION**



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

*61057*

FILE: B-186613

DATE: June 30, 1976

MATTER OF: Chemical Technology, Inc.

*WAB 368 98368*

**DIGEST:**

Protest alleging specification deficiency is untimely where basis of protest was apparent from solicitation but protest was not filed until after bid opening.

By letter dated May 25, 1976, and received at our Office on May 27, 1976, Chemical Technology, Inc. (Chemical) has requested withdrawal and readvertisement of solicitation No. F01602-76-09510, issued by Craig Air Force Base. The basis of Chemical's protest is that the last sentence Section F, Part 5(e)(2) of the solicitation is vague.

Section 20.2 of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), provides in part:

"(b)(1) Protests based on 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 \* \* \*.

\* \* \* \* \*

"(3) The term 'filed' as used in this section means receipt in the contracting agency or in the General Accounting Office as the case may be."

In the instant case, the protested specification requirement was apparent to Chemical prior to bid opening. However, Chemical's protest in this regard was not received at our Office until after the May 25th bid opening. Consequently Chemical's protest is untimely under section 20.2 of our Bid Protest Procedures.

In view of the above, we are closing our file on this matter.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel