

DOCUMENT RESUME

03860 - [A2733951]

[Untimely Protest to Unclear Provisions in Invitation for Bids].
B-190052. September 26, 1977. 1 pp.

Decision re: Executive-Suite Services, Inc.; by Paul G.
Deabling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel: Procurement Law I.
Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).
Organization Concerned: Department of the Air Force: George AFB,
CA.
Authority: 4 C.F.R. 20.2(b)(1).

The protester claimed that the prompt payment discount provision in the invitation for bids was unclear. Since bid opening was August 19 and the protest was not filed until September 6, it was untimely and not considered on merits. (HTW)

3951

03519



DECISION

J. Cohen p. 1-1
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-190052

DATE: September 26, 1977

MATTER OF: Executive-Suite Services, Inc.

DIGEST:

Protest filed after bid opening, asserting that IFB prompt payment discount provision is unclear, is untimely and will not be considered on its merits.

Executive-Suite Services, Inc. (E-SS), protests that the prompt payment discount provision in invitation for bids (IFB) No. F04609-77-BC017, issued by George Air Force Base, California, for hospital aseptic maintenance service, was unclear.

Section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. part 20 (1977) (Procedures), provides in pertinent part:

"Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening * * * shall be filed prior to bid opening * * *."

The basis for its protest was apparent to E-SS upon receipt of the IFB, which was issued on July 20. Although bid opening was August 19, the protest was not filed in our Office until September 6. Therefore, the protest is untimely under our Procedures and will not be considered on its merits.

Paul G. Dembling
Paul G. Dembling
General Counsel