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DECISION



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

FILE: B-190404

DATE: November 1, 1977

MATTER OF: Chemical Technology, Inc.

DIGEST:

Protest filed after bid opening against alleged solicitation impropriety which should have been apparent prior to bid opening is untimely under section 20.2(b)(1) of GAO's Bid Protest Procedures and is dismissed.

Chemical Technology, Inc. (CTI) protests any award under solicitation No. F65503-77-09161, Mess Attendant Services, issued by the Air Force, Eielson Air Force Base, Alaska.

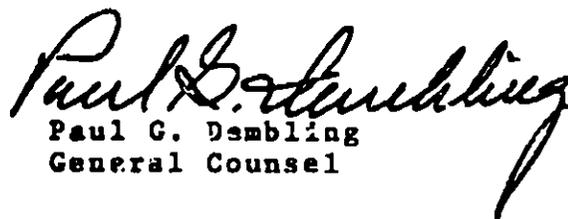
CTI contends that the contracting officer denied it the opportunity of submitting a bid by erroneously stating bond requirements under the solicitation. CTI states that "the solicitation provisions were drafted in such a manner as to limit the response and thereby restrict competition" and that the contracting officer failed to follow published policy and procedures in Armed Forces Procurement Regulations, Section 10, Part 1 covering bid and performance bonds.

Although the protester has not stated its precise objection with sufficient detail, the protest relates generally to the alleged restrictive nature of the bond requirement stated in the solicitation. We understand from the Air Force that the protester did not object at any time prior to bid opening to the solicitation. Under our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1977), a protest based upon an alleged impropriety in a solicitation which is apparent prior to bid opening or the closing date for receipt of initial proposals must be filed prior to the applicable deadline in order to be considered by our Office. Microsurance, Inc., B-188830, April 28, 1977, 77-1 CPD 292. Since in this case, the objection appears to relate to the solicitation as issued and was not raised either with the agency or

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this Office prior to September 16, 1977, the date of the bid opening, it is untimely filed and will not be considered on its merits.

Accordingly, the protest is dismissed.


Paul G. Desmbling
General Counsel