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DECISION

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

FILE: 8-190515

DATE: November 14, 1977

MATTER OF: The Dexter Corporation - Hysol Division

DIGEST:

Protest based on allegedly inadequate specifications in invitation for bids, filed more than 6 weeks after bid opening, is untimely and ineligible for consideration on the merits since such protests must be filed prior to bid opening.

The Dexter Corporation - Hysol Division (Dexter) has filed a protest under invitation for bids No. 6PR-W-J0064-PM-P, issued by the General Services Administration (GSA) for adhesives, contending that the specifications included in that solicitation are vague and will result in the supply of a product inadequate to perform the desired tasks.

Our Bid Protest Procedures, 4 C.F.R. Part 20 (1977), require that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening must be "filed" prior to bid opening. 4 C.F.R. § 20.2(d)(1). The term "filed" as used in 4 C.F.R. § 20.2 means receipt in the contracting agency or the General Accounting Office, as the case may be.

We have been informed by cognizant GSA personnel that bids were opened on September 8, 1977, and that no protest based upon the subject allegations was received prior to our receipt on October 25, 1977, of Dexter's protest letter dated October 20, 1977.

In view thereof, the protest is untimely filed and ineligible for our consideration on the merits.


Paul G. Dembling
General Counsel