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DECISION

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

FILE: B-190752

DATE: December 14, 1977

MATTER OF: Lamson Division

DIGEST:

Protest filed after bid opening against allegedly restrictive IFB specification which was apparent prior to bid opening is untimely and not for consideration under section 20.2(b)(1) of GAO's Bid Protest Procedures.

By letter dated November 18, 1977, Lamson Division (Lamson) protests any award under invitation for bids No. DAAG-36-77-B-0047 issued by the New Cumberland Army Depot. Specifically, Lamson protests the allegedly restrictive nature of a specification calling for a 5-1/2-inch O.D. pneumatic tube system. Lamson contends that this requirement is unduly restrictive since only one domestic manufacturer offers a 5-1/2-inch pneumatic tube system.

We have been advised that the bid opening took place on October 18, 1977, and that an award was made on November 2, 1977. The alleged restrictive nature of the solicitation was not objected to at any time prior to bid opening. 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 must be filed prior to bid opening in order to be considered by our Office. Since, in this case, the issue of the allegedly restrictive specification was not raised prior to October 18, 1977, the date of bid opening, it is untimely and will not be considered on its merits.

Paul G. Dembling
Paul G. Dembling
General Counsel