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*Has further  
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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20547**

**FILE: B-191148 DATE: February 17, 1978**

**MATTER OF: Bill Conklin Associates, Inc.**

**DIGEST:**

Where protester knew before bid opening that it would not have sufficient time in which to prepare and submit bid and did not protest fact that it would not be able to bid until after bid opening, protest is untimely filed and not for consideration.

Bill Conklin Associates, Inc. (Conklin), a manufacturer's representative, received a copy of the General Services Administration, Federal Supply Service, solicitation No. 3FF-BJ-R-E-L5471 in early November 1977. Thereafter, Conklin requested a copy of the pertinent specification from the Navy Yard in Philadelphia. Inasmuch as Conklin did not receive that specification until January 6, 1978 (1 day after the January 5 bid opening date), that firm believes that no contract award should be made on any of the opened bids and that the procurement should be resolicited so that it might be provided with enough time in which to bid.

Conklin knew prior to bid opening that it, not having received the specification it needed from the Navy Yard, would be unable to bid in the time allotted. Since this fact was apparent prior to bid opening, we believe that Conklin should have protested (and should have requested an extension of the bid opening date) prior to opening, rather than waiting until bids had been opened and exposed. Cf. 4 C.F.R. § 20.2(b)(1) (1977). Accordingly, we find the Conklin protest is untimely filed and therefore not for our consideration.

*for* *Milton J. Auster*  
Paul G. Dembling  
General Counsel

