

DECISION



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

*Final
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FILE: B-192797

DATE: September 26, 1978

MATTER OF: Kahn Communications Inc.

DIGEST:

Protest alleging improprieties in IFB which was not filed until after bid opening is untimely under section 20.2(b)(1) of GAO's Bid Protest Procedures.

Kahn Communications Inc. (Kahn) protests under invitation for bids No. LGM-8-7025, issued by the Federal Aviation Administration. Kahn's protest alleges improprieties (apparent prior to bid opening) in the IFB which would make performance under it impossible.

Bid opening was on September 7, 1978, at 3:00 p.m. Our Office received Kahn's protest (telex dated September 7) on September 8, 1978, the day after bid opening.

Section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. part 20 (1978), states:

"Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals * * *."

Since Kahn's protest was not filed (received) with our Office prior to bid opening, the protest is untimely and not for consideration.

Accordingly, Kahn's protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel