

DECISION



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

*D. Ruppert
Proc 1*

9024

FILE: B-192410

DATE: October 16, 1978

MATTER OF: Moore - Cottrell Subscription Agencies

DIGEST:

Protest filed after bid opening based upon alleged solicitation impropriety which was apparent prior to bid opening is untimely and not for consideration under GAO's Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1978).

By letter dated September 11, 1978, Moore-Cottrell Subscription Agencies (Moore-Cottrell) protests any award under invitation for bids (IFB) LR-78-2, issued July 7, 1978, by the Department of State for supplying the various offices within the Department of State with subscriptions to periodicals published in the United States. The IFB indicated that the State Department wished to contract with a bona fide subscription agency with processing and expediting facilities in the Washington, D.C., metropolitan area.

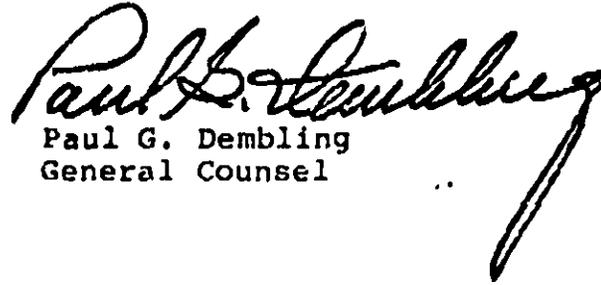
Two bids were received and opened on July 24, 1978. The record discloses that the low bid was submitted by Ebsco and the second low bidder was Moore-Cottrell. The basis for Moore-Cottrell's protest is its contention that the IFB is restrictive in calling for bids from only firms which have processing and expediting facilities in the Washington, D.C., metropolitan area.

Moore-Cottrell failed to object to the alleged restrictive nature of the invitation prior to bid opening. Under our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1978), a protest based on an alleged impropriety in a solicitation which is apparent prior to bid opening must be filed prior to bid opening. Since Moore-Cottrell did not file its protest prior to bid opening, the protest is untimely and not for consideration on the merits. See Valley Moving &

B-192410

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Storage Co., Corpus Christi Transfer Co., Inc., /
Mayflower, B-190685, April 17, 1978, 78-1 CPD
468; Day's Cleaning Service, B-189858, January
4, 1978, 78-1 CPD 2.


Paul G. Dembling
General Counsel