

R. Martin  
Proc II



**DECISION**

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

8658

FILE: B-193514

DATE: December 20, 1978

MATTER OF: Hamilton Enterprises  
CNG 02399

**DIGEST:**

[Protest based on improprieties in solicitation alleged after bid opening date is ~~dismissed~~ as untimely filed.]

Hamilton Enterprises initially protested after bid opening a meal count estimate included in invitation for bids No. DAKF03-79-B-0003. Hamilton stated that although it did not think the estimate would adversely affect its competitive position, the bid results indicated otherwise. The protester later restated its protest to object to the inclusion in the solicitation of an alleged obsolete Department of Labor wage determination. It stated that its bid price was based on the current and correct wage determination which caused its bid to be higher than bids based on the outdated wage determination allegedly included in the solicitation.

Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1978), require that protests based on alleged improprieties which are apparent on the face of a solicitation be filed prior to bid opening. One of our purposes in reviewing bid protests is to identify material deficiencies contained in invitations for bid prior to bid opening. In this manner, unnecessary exposure of bid prices is avoided and the integrity of the competitive bid system is maintained. Somervell & Associates, Ltd., B-192426, September 18, 1978, 78-2 CPD 208. As this protest was not received until after bid opening, it is untimely and not for consideration on its merits.

The protest is dismissed.

*Milton J. Socolar*  
Milton J. Socolar  
General Counsel

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