

DECISION

V. Seifman Stein
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548
PLCG

8664

FILE: B-193576

DATE: December 21, 1978

MATTER OF: Jazco Corporation

DLG 00476

DIGEST:

[Protest alleging specification deficiencies which is filed after bid opening is untimely] and not for consideration on the merits.

Jazco Corporation (Jazco), protests alleged specification deficiencies in invitation for bids (IFB) No. DAAG-49-79-B-0003, issued by the U.S. Army Tooele Depot (Army), Tooele, Utah for the procurement and installation of smokestack scrubbers. Jazco contends the specifications are unclear and are restrictive.

The allegations relate to deficiencies in the IFB. Section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. 20.2(b)(1) (1978), provides that a protest based upon an alleged impropriety in solicitation, which is apparent prior to bid opening, must be filed "prior to bid opening." We understand from the Army that bid opening occurred on November 9, 1978. The protester's letter to this Office, however, was received on November 24, 1978. Consequently, the protest is untimely and not for consideration on the merits. See Complete Building Maintenance Co., Inc., B-190996, January 19, 1978, 78-1 CPD 52.

The protest is dismissed.

Milton J. Socolar
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General Counsel

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