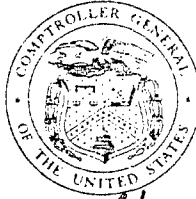


DECISION



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PL-CG  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

*[Protest of NOAA Contract Award]*

FILE: B-198418

DATE: April 29, 1980

MATTER OF: Precision Environments, Inc.

*D 4516*

*A 68*

DIGEST:

1. Allegation that contractor is not performing in accordance with contract requirements is matter of contract administration and not for resolution under Bid Protest Procedures.
2. Protest allegation raised after bid opening that IFB specifications are unduly restrictive is untimely under GAO Bid Protest Procedures and not for consideration

Precision Environments, Inc. (PEI) protests the award of a contract under solicitation No. NOAA4-80, issued by the Department of Commerce, National Oceanic and Atmospheric Administration.

PEI contends that the solicitation called for an automatic power boost for real time operation and that awardee is not complying with this requirement. PEI further contends that the specifications were unduly restrictive.

Whether the awardee is in fact performing in accordance with contract requirements is a matter of contract administration which is the function and responsibility of the procuring activity. Consequently, we do not consider such matters under our Bid Protest Procedures. School Transportation, B-192799, January 10, 1979, 79-1 CPD 12.

With respect to the second allegation, our Bid Protest Procedures require that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening must be filed prior to

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bid opening. 4 C.F.R. §20.2(b)(1) (1980). Since the allegation of unduly restrictive specifications involves an alleged impropriety in the solicitation which was apparent prior to bid opening, it should have been raised prior to that date. The protest, however, was not received in our Office until after bid opening. Consequently, this allegation is untimely filed and not for consideration. Picker Corporation; Ohio-Nuclear, Inc., B-192565, January 19, 1979, 79-1 CPD 31.

The protest is dismissed.

*for* *Harry R. Van Clave*  
Milton J. Socolar  
General Counsel