

**DECISION**



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

Mr. Pogany  
14488

FILE: B-199381.3

DATE: August 4, 1980

PLT

MATTER OF: DMT Corporation

**DIGEST:**

*Alleging*  
[Protest concerning alleged impropriety in solicitation] apparent prior to bid opening, but filed after bid opening, is untimely and not for consideration on the merits.

DMT Corporation (DMT), by telegram of July 15, 1980, protests the award of a contract by the Department of the Navy under invitation for bids (IFB) N62472-78-B-0310. DMT contends that the solicitation's specifications overstate the agency's "minimum requirements."

Our Bid Protest Procedures require that protests based on alleged improprieties in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 20.2(b)(1) (1980). Bid opening took place at 2:00 p.m. on July 15, 1980. However, DMT's telegram protesting the solicitation was not received by our Office until 2:16 p.m. on July 15, as evidenced by the time and date stamped on its face upon receipt. Since DMT failed to file its protest prior to bid opening, the protest is untimely and will not be considered on the merits. See Somervell & Associates, Ltd., B-192426, August 18, 1978, 78-2 CPD 132.

*Milton J. Socolar*

Milton J. Socolar  
General Counsel

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