

## DECISION

THE COMPTROLLER GENERAL  
OF THE UNITED STATES

WASHINGTON, D.C. 20548

*[Protest Alleging that IFB Allowed Inadequate Time For Bid Preparation]*

FILE: B-200249

DATE: October 7, 1980

MATTER OF: Alexandria Graphics & Reproduction  
Service

## DIGEST:

Protest against allegedly inadequate time allowed for preparation and response to invitation for bids initially filed after bid opening is untimely under Bid Protest Procedures and not for consideration on merits.

Alexandria Graphics & Reproduction Service (Alexandria) protests invitation for bids (IFB) No. JXCIV-80-B-0049, issued by the Department of Justice (Justice) for microfilming requirements. As its basis for protest, Alexandria contends that the IFB did not allow it adequate time to prepare and submit a bid prior to the scheduled bid opening date. However, Alexandria's initial protest submission to this Office indicates that its protest is untimely filed.

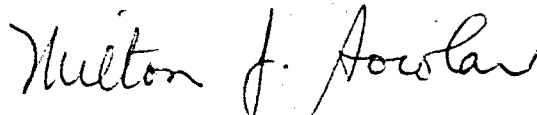
The protester became aware of the procurement by a notice published in the August 20, 1980, Commerce Business Daily, although this notice did not include the scheduled bid opening date. On August 25, Alexandria requested an IFB from Justice and received it on September 2. The IFB indicated that the bid opening date was September 3. Based on this chronology of events, it is clear that Alexandria was aware on September 2 of its basis for protest. Alexandria's letter of protest to our Office was dated September 4, one day after bid opening, and was filed (received in our Office) on September 8, five days after bid opening. No pre-bid opening protest to the agency was lodged.

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[A protest based on an alleged solicitation impropriety, as here, must be filed either with the procuring agency or our Office prior to bid opening in order to be timely under our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1980). In two cases, however, where the basis of protest was first discovered: (1) less than 3 hours prior to bid opening due to last minute receipt of an amendment, Culligan, Inc., 58 Comp. Gen. 307 (1979), 79-1 CPD 149, and (2) "moments" prior to the time oral quotes were due because the solicitation was oral, Ampex Corporation, B-190529, March 16, 1978, 78-1 CPD 212, we concluded that the circumstances compelled a finding of timeliness.

The instant situation is unlike those, however, and closer to the ones in Irvin Industries, Inc., B-187849, March 28, 1977, 77-1 CPD 217, and Clarke & Lewis, Inc., B-196954, January 8, 1980, 80-1 CPD 24. There, the protesters received the solicitation two days before the closing date and we held that the protests against an alleged solicitation impropriety were untimely because they were not filed prior to the closing date.

[The protest is dismissed.]



Milton J. Socolar  
General Counsel