

MS, Cooper

PLCC 15185

DECISION



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

FILE: B-200387

DATE: October 15, 1980

MATTER OF: L. A. Moore & Co., Inc.

DIGEST:

[Protest alleging improper rejection of bid] and unduly restrictive specifications which is filed approximately one year after procurement took place is untimely under GAO Bid Protest Procedures and not for consideration.

L. A. Moore & Co., Inc. (Moore) protests the rejection of its bid by the Veterans Administration (VA) under invitation for bids No. 500-2-81.

The VA found Moore's low bid to be nonresponsive to the IFB's requirements. Moore contends that the specifications with which it allegedly did not comply were unduly restrictive and that the firm was "unjustly disqualified."

The protest is untimely. Moore states that the procurement occurred "[a]pproximately one year ago." Thus, it appears obvious that the protest was not filed within 10 days of Moore's knowledge of a basis for protest, as required by our Bid Protest Procedures at 4 C.F.R. § 20.2(b)(2) (1980). Moreover, our procedures require that protests based upon 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). Since the thrust of the protest is really that the specifications were unduly restrictive, the protest should have been filed prior to bid opening.

The protest is dismissed.

Milton J. Socolar
Milton J. Socolar
General Counsel

~~612503~~ 113559

GAO

United States General Accounting Office
Washington, DC 20548

Office of
General Counsel

In Reply
Refer to: B-200387

October 15, 1980

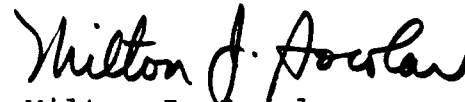
The Honorable Donald J. Mitchell
House of Representatives

Dear Mr. Mitchell:

In response to your correspondence dated September 16, 1980 requesting information concerning a protest lodged by L. A. Moore and Company, enclosed is a copy of our decision of today dismissing the protest as untimely.

As we explained to Mr. Mackert of your staff we are presently seeking information from the Veterans Administration so that we can respond to the questions you raise. We will be in touch with you again when we have obtained that information.

Sincerely yours,



Milton J. Socolar
General Counsel

Enclosure

