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DECISION



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

FILE: B-203259

DATE: May 22, 1981

MATTER OF: Western Filter Corporation

DIGEST:

Protest that solicitation should have restricted award to firms on qualified products list which is filed after bid opening is untimely and will not be considered on merits.

Western Filter Corporation protests the award of a contract under invitation for bids (IFB) No. DLA700-81-B-1082, issued by the Defense Logistics Agency (DLA) for fluid pressure filter elements. *[Protest Contending]* Western contends that the IFB should have restricted award to firms on ~~the~~ qualified products list for these filter elements, rather than being unrestricted and including a requirement for first article approval.

Our Bid Protest Procedures require that protests based on alleged improprieties in a solicitation which are apparent prior to bid opening be filed by that date. 4 C.F.R. § 20.2(b)(1) (1980). We are informally advised by DLA that bids for the instant contract were opened on February 26, 1981, yet Western's protest was not filed (received) in our Office until May 11, 1981. Because Western's protest concerns an alleged impropriety apparent on the face of the solicitation and was filed after bid opening, it is untimely and will not be considered on the merits. Dynation Corporation, B-201342, December 10, 1980, 80-2 CPD 423.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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