

116878

20055

Essex
V. Allen

DECISION



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

FILE: B-205449

DATE: November 18, 1981

MATTER OF: Kasper Brothers

DIGEST:

Protest that amended solicitation established a bid opening date which did not allow enough time for potential bidders to develop bids, filed after bid opening date, is dismissed as untimely.

Kasper Brothers protests invitation for bids (IFB) DAAB07-82-B-Q002 issued by the U.S. Army Electronics Command, Fort Monmouth, New Jersey. Kasper contends that amendment 0002 which changed the bid opening date from November 6, 1981, to October 20, did not allow enough time for potential bidders to develop bids and therefore it limited the number of bids received.

We conclude the protest is untimely. Our Bid Protest Procedures provide that protests based upon alleged improprieties apparent in the solicitation prior to bid opening shall be filed before bids are opened, 4 C.F.R. § 21.2(b)(1) (1981). In accordance with this provision, any protest based on an alleged impropriety in amendment 0002 had to be filed no later than the bid opening date of October 20, in order to be considered timely. Since Kasper did not file its protest with our Office until November 10, almost three weeks after bid opening, the protest is clearly untimely and not for consideration on the merits.

The protest is dismissed.

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