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See her name

DECISION



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

20421

FILE: B-205679

DATE: December 30, 1981

MATTER OF: Selas Corporation of America

DIGEST:

Protest of alleged impropriety apparent on the face of the solicitation is untimely when filed after bid opening date.

Selas Corporation of America (Selas) protests an award under a two-step, formally advertised procurement issued by the Air Force. The first step was solicitation No. F09603-81-R-0219.

Selas states that the second-step solicitation issued to technically acceptable first-step proposers contained an amendment to the first-step specifications which permitted submission of a price based on an alternate technical approach. Selas asserts that this alternate approach was improperly taken from its first-step technical proposal.

Selas' allegation relates to an alleged defect apparent on the face of the second-step solicitation. Our Bid Protest Procedures require that protests based on alleged improprieties in a solicitation which are apparent prior to bid opening be filed prior to bid opening. 4 C.F.R. § 21.1 (1981).

The Air Force has advised us that the bid opening date for the second step was September 24, 1981, and award was made on November 16, 1981. Selas' protest was not filed (received) in our Office until December 3, 1981. Since this is subsequent to the date of bid opening, the protest is untimely and not for consideration on the merits.

We dismiss the protest.

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