

DECISION



21673
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

118252

FILE: B-207142

DATE: April 28, 1982

MATTER OF: Automated Datatron Incorporated

DIGEST:

Protest against allegedly inadequate solicitation specifications apparent prior to bid opening is dismissed as untimely where the protest was filed after bid opening.

Automated Datatron Incorporated (ADI) protests against the terms of invitation for bids (IFB) No. IFB-82-02 issued by the Federal Communications Commission (FCC) for computer output microfiche services.

Essentially, the protester contends that the IFB requires the contractor to mail duplicate microfiche to 76 locations throughout the United States without clearly stating whether the contractor is responsible for the required postage. ADI concludes that the IFB specifications make it impossible to calculate reasonable bid prices and encourage unbalanced bidding.

The protest is untimely.

ADI's allegation pertains to an alleged solicitation deficiency which was apparent and should have been protested prior to bid opening. 4 C.F.R. § 21.1(b)(1) (1981).

The FCC has advised us that the bid opening was scheduled for April 15, 1982, at 3 p.m. Because ADI's hand-carried protest was filed (received) in our Office April 16, 1982, at 10:56 a.m., it is untimely and will not be considered on the merits. See Linguistic Systems, Incorporated, 58 Comp. Gen. 403 (1979), 79-1 CPD 250.

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We dismiss the protest.

Harry R. Van Cleve
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Acting General Counsel