

**DECISION**

118654 PL-1  
Boyle

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

**FILE:** B-204085.7  
B-204085.3

**DATE:** June 11, 1982

**MATTER OF:** Adler-Royal Business Machines, Inc.; National  
Office Machines Dealers Association

**DIGEST:**

Protests against alleged improprieties in an invitation for bids filed after bid opening are dismissed as untimely since GAO Bid Protest Procedures require filing such protests prior to bid opening in order to be considered on the merits.

Adler-Royal Business Machines, Inc. (Adler-Royal), and the National Office Machines Association (the Association) protest against the award of a contract to the International Business Machines Corporation (IBM) under invitation for bids (IFB) No. FCGE-Y7-75195-A issued by the General Services Administration for certain single-element, electronic typewriters. We dismiss both protests as untimely.

Adler-Royal objects to the IFB provision dividing typewriters into two groups; specifically, Adler-Royal contends that the limitation on group 1 restricting maximum paper capacity to 14.4 inches is arbitrary and unfair. The Association objects to the IFB's life-cycle-cost method of selecting the successful bidder because the Government's purchase price for typewriters from IBM is higher than the purchase price bid by other bidders. We note that the circumstance objected to by the Association is a foreseeable possibility when a life-cycle-cost formula, as set forth in the solicitation, is used to select the successful offeror.

Adler-Royal's and the Association's protests were filed here on May 27, 1982; however, the IFB's bid opening date was January 7, 1982.

Our Bid Protest Procedures require that protests based on alleged apparent improprieties in an IFB be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1981). Since Adler-Royal's and the Association's

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protests concern alleged improprieties in the IFB, which were apparent prior to bid opening, they are untimely and will not be considered on the merits because they were not filed prior to bid opening. See Sharp Electronics Corporation, B-205242, March 8, 1982, 82-1 CPD 211.

Protests dismissed.

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