

**DECISION**



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

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*PLI*  
*118682*

**FILE:** B-207551

**DATE:** June 14, 1982

**MATTER OF:**

Government Marketing Services, Inc.

**DIGEST:**

Protest of a requirement in a solicitation apparent before bid opening is dismissed as untimely when filed after bid opening because GAO Bid Protest Procedures require filing prior to bid opening.

Government Marketing Services, Inc. (GMS), protests the specifications used by the General Services Administration in solicitation No. FGE-Y4-75223-A-5-13-82. The specifications require a machine with a keyswitch lifespan of 10 million depressions. GMS indicates that, in searching for machines to meet this requirement, it only found manufacturers that would guarantee a keyswitch lifespan of 3 to 5 million depressions. GMS filed this protest on May 19, 1982. Bid opening was on May 13, 1982.

Our Bid Protest Procedures require that a protest based upon alleged improprieties in an invitation for bids which are apparent prior to bid opening be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1981).

Based on GMS's own admission, the alleged impropriety was discovered prior to bid opening. Since the protest was apparent before bid opening, but filed after bid opening, it is untimely. The protest is dismissed.

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