

DECISION



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

FILE: B-209512

DATE: November 2, 1982

MATTER OF: Schwarze Industries, Inc.

DIGEST:

GAO requires alleged improprieties that are apparent in a solicitation as issued, such as specifications tailored to one manufacturer's product, to be protested before bid opening, so that corrective action, if indicated, is most practicable.

Schwarze Industries, Inc. protests concerning invitation for bids No. DAKF-24-82-B-0156, issued by the Department of the Army, Fort Polk, Louisiana, for two truck mounted, regenerative air sweepers equipped for normal, municipal-type street sweeping purposes. Specifically, Schwarze alleges that the solicitation's purchase description was unduly restrictive because it described in detail the product of only one manufacturer. Schwarze argues that its failure to meet the specifications was not a valid reason for the Army's rejection of its bid. We dismiss the protest because it was filed after bid opening.

Our Bid Protest Procedures require alleged improprieties that are apparent in a solicitation as issued to be protested before bid opening. 4 C.F.R. § 21.2(b)(1) (1982). The reason is to permit us to consider the allegations while corrective action, if indicated, is most practicable and thus least burdensome on the conduct of the procurement.

In this case, the alleged improprieties protested by Schwarze were apparent when the firm received the solicitation. The Army informally advises us that bid opening was September 10, 1982, and we note that the contract was awarded to Carter Chevrolet Agency, Inc. on September 30. Since we did not receive Schwarze's protest until October 14, or 23 working days after bid opening, it is untimely and we will not consider it. See Coil Company, Inc., B-193185, March 16, 1979, 79-1 CPD 185.

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The protest is dismissed.

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