

DECISION



24-21
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-210220

DATE: January 18, 1983

MATTER OF: Granite Diagnostics, Inc.

DIGEST:

A protest, alleging that specified quantities of an item exceed the requirements of the agency, not received in our Office until after bid opening is untimely under section 21.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1982), and will not be considered.

Granite Diagnostics, Inc. (Granite), protests the procurement of SXT Blood Agar under invitation for bids (IFB) No. N00189-82-B-0096 issued by the Naval Supply Center, Norfolk, Virginia. Granite alleges that the quantities of SXT Blood Agar specified in the IFB greatly exceed the quantities needed by the Naval hospital and asserts that the items should be removed from the IFB.

We dismiss the protest.

Granite has informally advised our Office that bids were opened on September 1, 1982. The protest was not received in our Office until December 14, 1982. Section 21.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1982), requires that a protest based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening must be received in our Office prior to bid opening.

Since the alleged excessive quantities of blood agar was specified in the IFB and was apparent prior to bid opening, the protest, not received in our Office until well after bid opening, is untimely and will not be considered.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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