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DECISION



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

FILE: B-211618

DATE: May 9, 1983

MATTER OF: Cobarc Services Inc.

DIGEST:

Protest alleging improprieties in a solicitation is dismissed as untimely when filed after bid opening because GAO Bid Protest Procedures require filing prior to bid opening.

Cobarc Services, Inc. (CSI) protests the award of a contract for mess attendant services at Yakima Firing Center by the Department of the Army under solicitation No. DAKF57-83-B-0076.

CSI complains that the estimate of the number of persons to be served meals listed in the solicitation is "grossly inaccurate and fatally defective" and that the solicitation does not provide for contractor relief when the estimates are "grossly exceeded." We dismiss the protest.

Bid opening was on April 11, 1983. CSI filed its protest with our Office on April 27, 1983. Our Bid Protest Procedures require that a protest alleging improprieties in a solicitation which are apparent prior to bid opening, as is the case here, be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1983). Since CSI filed its protest after bid opening, it is untimely and will not be considered on the merits. See Calculator Division of Canon U.S.A., Inc., B-207551.3, July 1, 1982, 82-1 CPD 7.

The protest is dismissed.

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

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