

DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES

WASHINGTON, D.C. 20548

25783

FILE: B-212340

DATE: July 21, 1983

MATTER OF: LePrix Electrical Distributors, Ltd.

DIGEST:

Protest against validity of sample requirement is untimely under our Bid Protest Procedures since it was not filed before bid opening. 4 C.F.R. § 21.2(b)(1) (1983).

LePrix Electrical Distributors, Ltd. (LePrix), protests any award under invitation for bids (IFB) No. DAAG60-83-B-3160, issued by the Department of the Army. LePrix contends that the solicitation requirement that a sample be submitted with its bid was unreasonable since the manufactured items to be provided were specially built items rather than regularly manufactured items.

We will not consider LePrix's protest. LePrix questions the validity of the sample requirement itself and our Bid Protest Procedures require that a protest based upon alleged improprieties in an IFB, which improprieties are apparent prior to bid opening, must be filed prior to bid opening. M & M Services, Inc., B-210818.2, March 25, 1983, 83-1 CPD 308; Comspace Corporation, B-186839, January 24, 1977, 77-1 CPD 46. Bids were opened on June 28, 1983; however, LePrix did not protest until July 12, 1983.

The protest is dismissed.

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

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