

DECISION



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

35786

FILE: B-212138

DATE: July 21, 1983

MATTER OF: Datascope Corporation

DIGEST:

Protest against solicitation specifications received by GAO after the time set for bid opening is not timely.

Datascope Corporation (Datascope) protests that the specifications used by the Department of the Army in solicitation No. DABT47-83-B-0079 were overly restrictive. Bids were opened on June 2, 1983. GAO received the protest on June 20, 1983.

Our Bid Protest Procedures require that a protest based upon alleged improprieties in a solicitation which are apparent prior to bid opening be filed prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1983); C.W. Girard, C.M., B-210135, January 10, 1983, 83-1 CPD 25.

The objections to the specifications were ascertainable from reading the solicitation prior to bid opening. Since the basis of Datascope's protest was apparent before bid opening, but the protest was filed after bid opening, it is untimely.

We dismiss the protest.

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

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