

7076A

26096

DECISION



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

FILE: B-212571

DATE: August 25, 1983

MATTER OF: Eaton Corporation

DIGEST:

Protest alleging defective specifications is dismissed as untimely when not received by contracting agency or GAO prior to the time set for bid opening.

Eaton Corporation (Eaton) protests the award of a contract to Handling Systems Engineering, Incorporated, of Jacksonville, Florida, under Department of Agriculture (Agriculture) invitation for bids (IFB) No. R-63-605.

Eaton essentially complains that various specifications in the solicitation were either too restrictive or not definitive enough. These allegations concern improprieties in the solicitation which were apparent prior to bid opening, see Datascope Corp., B-212238, July 21, 1983, 83-2 CPD ___; Norman Chapman, B-205894, January 5, 1982, 82-1 CPD 14, and were required to be submitted to Agriculture or this Office prior to April 21, 1983, the date set for bid opening. See 4 C.F.R. § 21.2b(1)(2) (1983).

Eaton did not submit a protest to Agriculture until July 7, 1983, after it learned that its bid was rejected as nonresponsive. We received the present protest in our Office on August 3, 1983. Consequently, Eaton's protest is untimely and we will not consider it on the merits. See Lewis Corporation, B-211064.2, July 21, 1983, 83-2 CPD ___.

The protest is dismissed.

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

026509