

27906

**DECISION**



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

**FILE:** B-214737.2

**DATE:** April 6, 1984

**MATTER OF:** Solar Science Industries, Inc.

**DIGEST:**

Protest that solicitation requirements are insufficiently clear is untimely since the protest involves alleged improprieties apparent prior to bid opening, but was not filed before that date as required by GAO Bid Protest Procedures.

Solar Science Industries, Inc. (Solar Science), protests any award of a contract under invitation for bids (IFB) No. D/L 84-4 issued by the Department of Labor for solar control film.

We dismiss the protest as untimely.

Solar Science contends that the specifications in the IFB are insufficiently clear, which will result in an inability to achieve fair competition. Specifically, Solar Science argues that while the specifications require that the solar film be both scratch resistant and have a "U factor" of 0.68, these two conditions cannot exist in the same product at the same time.

Solar Science's protest was filed with, that is, received by, our Office on March 27, 1984. Bid opening took place on March 16, 1984.

The protest that the specifications are insufficiently clear is untimely. Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1983), require that protests based upon solicitation improprieties apparent prior to bid opening be filed with, that is, received by, the procuring agency or the General Accounting Office before bid opening. Solar Science filed its protest regarding the solicitation's requirements 11 days after bid opening. We therefore will not consider the merits of the issue. See Gas Turbine Corporation, B-210411, May 25, 1983, 83-1 CPD 566.

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

028503