

DECISION



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

29842

FILE: B-216992

DATE: November 26, 1984

MATTER OF: Bay Cities Refuse Service, Inc.

DIGEST:

Protest concerning alleged improprieties on the face of a solicitation is untimely and will not be considered where not filed with the contracting agency or GAO prior to bid opening.

Bay Cities Refuse Service, Inc. protests the award of any contract under invitation for bids (IFB) No. N62474-84-B-8662, issued by the Department of the Navy for refuse collection and disposal services. Bay Cities contends that the IFB set forth inaccurate estimates of the number of containers to be collected per year and also contained other inaccuracies. We dismiss the protest as untimely filed.

Under our Bid Protest Procedures, protests of alleged IFB deficiencies apparent prior to bid opening, in order to be considered, must be filed with the contracting agency or our Office prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1984). Here, Bay Cities was or should have been aware of the alleged deficiencies from the face of the IFB, but did not file its protest until October 30, 1984, 11 days after the October 19 bid opening. Its protest therefore is untimely and will not be considered. See Certified Mechanical Contractors, Inc., B-215411, June 20, 1984, 84-1 CPD ¶ 654.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel

030631