

DECISION

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

FILE: B-219327.6

DATE: November 4, 1985

MATTER OF: The W.H. Smith Hardware Company

DIGEST:

1. Protest alleging improprieties in an invitation for bids is untimely and will not be considered on the merits where the protest was not filed with GAO prior to bid opening.
2. Whether the awardee actually performs the contract in accordance with the terms of the solicitation is a matter of contract administration which is not for GAO consideration.

The W.H. Smith Hardware Company (Smith) protests the award of a contract for valves to Piping Specialty Co. under invitation for bids (IFB) No. DLA700-85-B-0413 issued by the Defense Logistics Agency (DLA).

We dismiss the protest.

Smith complains that "to assure that leaky valves are not purchased by the government," the solicitation should have required quality assurance testing for the valves. The firm also believes that the solicitation contained incorrect part numbers and that it would be unfair to permit the awardee to supply the (correct) parts not specified in the IFB.

Smith's protest that the solicitation contained incorrect part numbers and should have required quality assurance testing is untimely. Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1985), protests based upon alleged improprieties apparent on the face of the IFB, as here, must be filed prior to bid opening. Bid opening occurred on February 6, 1985. Consequently, Smith's protest concerning these alleged improprieties received by this

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Office on October 28, 1985, almost 8 months after the February 6 bid opening, is untimely and will not be considered on the merits. See Sellers Engineering Co., B-217527, Jan. 17, 1985, 85-1 C.P.D. ¶ 51.

Further, concerning Smith's protest that the awardee may not supply the parts specified in the IFB, whether the awardee actually performs the contract in accordance with the terms of the IFB is a matter of contract administration which is not for our consideration. Window Supply Co., B-218043, Jan. 25, 1985, 85-1 C.P.D. ¶ 112; Security and Fire Equipment Corporation, B-217232, Mar. 6, 1985, 85-1 C.P.D. ¶ 278.



Robert M. Strong
Deputy Associate General
Counsel