



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: W.T. McKinnie Construction Co., Inc.

File: B-256889

Date: April 20, 1994

DECISION

W.T. McKinnie Construction Co., Inc. protests the terms of solicitation No. N62467-93-B-3037 and the subsequent award of a contract by the Department of the Navy.

We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation that should have been protested before bid opening. Here, W.T. McKinnie waited until after contract award to protest to our Office.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. These rules specifically require that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1); Manatts, Inc., B-237532, Feb. 16, 1990, 90-1 CPD ¶ 287.

These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Request for Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent these rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

A handwritten signature in cursive script, appearing to read "Ronald Berger".

Ronald Berger
Associate General Counsel