



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Kardex Systems, Inc.

File: B-257237

Date: May 10, 1994

DECISION

Kardex Systems, Inc. protests the award of an order for a mobile shelving system in response to solicitation No. DABT19-94-B-0010, issued by the Department of the Army.

We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation that should have been protested before bid opening.

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, reading "Michael R. Golden".

Michael R. Golden
Assistant General Counsel