



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: B-259003
File: E&M Industrial Supply
Date: November 8, 1994

DECISION

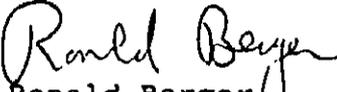
E&M Industrial Supply protests the specifications of solicitation No. 6FEP-CO-AY-940158-S issued by the General Services Administration. E&M alleges that the specifications are unduly restrictive.

We dismiss the protest as untimely filed on October 17, 1994, because it challenges an alleged impropriety in the solicitation that should have been protested before bid opening, which occurred on September 13, 1994.

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.

The protest is dismissed.


Ronald Berger
Associate General Counsel