

J. J. Thomas



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Resource Recovery International Group, Inc.

File: B-262149

Date: August 9, 1995

DECISION

Resource Recovery International Group, Inc. protests terms of invitation for bids (IFB) No. 31-5168 issued by the Defense Logistics Agency, Defense Reutilization and Marketing Service. Resource Recovery contends that although the IFB purports to be for the sale of government property, it is "a solicitation for a contract for services that should be governed by Federal Acquisition Regulations." Resource Recovery objects to certain provisions in the IFB.

We dismiss the protest as untimely filed on July 26, 1995, because it challenges an alleged impropriety in the solicitation that should have been protested before the July 25 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.

The protest is dismissed.

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