



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Radcomp, Inc.

File: B-270038

Date: November 30, 1995

DECISION

Radcomp, Inc., a manufacturers' representative for Sanitaire Equipment Company, protests the award of a contract to Microphor, Inc., under invitation for bids (IFB) No. DAAK01-95-B-0090, issued by the Department of the Army, Aviation and Troop Command for field deployable latrines. The IFB contained a purchase description, rather than detailed drawings of components, to allow bidders to adapt their commercial items to the government's requirements. Radcomp essentially argues that the IFB was defective because it failed to include technical or mechanical drawings for the individual components.

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. Those 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. Section 21.2(a)(1), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1992) (to be codified at 4 C.F.R. § 21.2(a)(1)). The purpose of this rule is to enable our Office to review such matters in time to recommend effective action, such as amending the solicitation, where appropriate. Luhr Bros., Inc., B-248423, Aug. 6, 1992, 92-2 CPD ¶ 88. Thus, if Radcomp believed that the solicitation should have included component drawings—a perceived deficiency in the solicitation as amended—the protester was required to file a protest raising that allegation prior to the extended August 15 bid opening. Because Radcomp did not protest until October 3, its protest is untimely. PEC Constr., Inc., B-245462, Oct. 1, 1991, 91-2 CPD ¶ 277.

The protest is dismissed.

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