



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: M&C Cumberland, Inc.

File: B-270850

Date: January 22, 1996

DECISION

M&C Cumberland, Inc. protests the terms of Invitation for bids No. F31601-96-B-0002 issued by the Department of the Air Force. M&C contends that there are discrepancies in the bid schedule. We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation that should have been protested before bid opening.

On November 22, 1995, M&C sent the contracting agency a letter regarding the errors in the bid schedule. The contracting agency responded to M&C in a letter dated November 29, stating that an amendment will be issued to correct the schedule. On December 8, the contracting agency issued Amendment No. 5, with a bid opening date of December 20. On December 14, M&C notified the contracting agency by telephone that the amendment did not correct the problem with the bid schedule. The contracting agency proceeded with bid opening; this protest was filed on January 3, 1996.

Our Bid Protest Regulations contain strict rules for the timely submission of protests. These rules specifically require that a protest based upon alleged improprieties in a solicitation that are apparent prior to bid opening must be filed before that time. Section 21.2(a)(1), 60 Fed. Reg. 40,737, 40,740 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.2(a)(1)); Manatts, Inc., B-237532, Feb. 16, 1990, 90-1 CPD ¶ 287. In order to be effective, a protest must be made in writing and timely filed; an oral complaint is not sufficient. See Section 21.1(b), 60 Fed. Reg. supra (to be codified at 4 C.F.R. § 21.1(b)); Federal Acquisition Regulation § 33.101; Riverside Research Inst., B-234844, Mar. 31, 1989, 89-1 CPD ¶ 340.

M&C's November 22 letter clearly was not a bid protest, nor did the December 14 contact with the agency constitute a protest under our Regulations. Since M&C thus did not protest before the December 20 bid opening, we dismiss the matter as untimely.

Comptroller General
of the United States