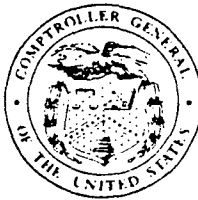


# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

~~50714~~ 50714

97263

FILE: B-183961

DATE: May 28, 1975

MATTER OF: Hewitt Contracting Company

## DIGEST:

Protest alleging ambiguity in specifications, filed after bid opening, is untimely under section 20.2(a) of the Interim Bid Protest Procedures and Standards which requires that protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening be filed prior to bid opening.

This is a protest by Hewitt Contracting Company (Hewitt) against the award of the construction of training facilities - phase 1 (AIT), at Fort Benning, Georgia, under invitation for bids (IFB) No. DACA21-75-B-0102, issued by the United States Army Engineer District, Savannah, Georgia. Hewitt contends that portions of the IFB were ambiguous and, therefore, true competitive bidding was not permitted.

The record indicates that bids were opened on May 15, 1975. Hewitt's protest to our Office was not received until May 20, 1975. Section 20.2(a) of our Interim Bid Protest Procedures and Standards, published at 4 Code of Federal Regulations, part 20, provides in pertinent part that "Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening \* \* \* shall be filed prior to bid opening \* \* \*." Therefore, the protest is untimely and will not be considered by our Office on its merits.

A handwritten signature in cursive script, reading "Paul G. Dembling".  
Paul G. Dembling  
General Counsel