

DOCUMENT RESUME

02085 - [A1232220]

[Untimely Protest against Alleged Solicitation Impropriety].
B-188830. April 28, 1977. 1 pp.

Decision re: Microsurance, Inc.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law II.

Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).

Organization Concerned: Department of the Navy: Naval Supply
Systems Command.

Authority: 4 C.F.R. 20.2(b)(1).

The protester objected to any award under a bid solicitation which contained three separate requirements, which the protester alleged collectively operated to eliminate all prospective bidders save one. Since the protester filed after bid opening, and since the alleged solicitation impropriety was apparent prior to bid opening, the protest was untimely and not for consideration. (Author/SC)

02085

DECISION



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

*R. Ayer
Proc. II.*

FILE: B-188830

DATE: April 25, 1977

MATTER OF: Microsurance, Inc.

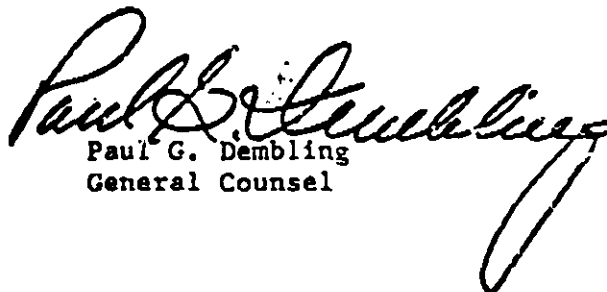
DIGEST:

Protest filed after bid opening against alleged solicitation impropriety which was apparent prior to bid opening is untimely and not for consideration under section 20.2(b)(1) of GAO's Bid Protest Procedures.

Microsurance, Inc. (Microsurance) protests any award under solicitation N00383-77-B-0199 issued by the Naval Supply Systems Command.

Microsurance contends that the collective presence of three separate requirements in the solicitation operated to eliminate all prospective bidders save one. These include (1) a site equipment requirement, (2) a requirement that the contractor's work facility be located within 150 miles of a specified Naval Air Technical Service Facility, and (3) the small business set aside size standard. Microsurance states that "each of the above requirements in itself does not eliminate prospective bidders but all three requirements in the same procurement eliminates all but one responsive bidder * * *."

The alleged restrictive nature of the solicitation was not objected to at any time prior to bid opening. Under our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1976), a protest based upon an alleged impropriety in a solicitation which is apparent prior to bid opening must be filed prior to bid opening in order to be considered by our Office. Since, in this case, the issue was not raised prior to February 4, 1977, the date of the bid opening, it is untimely filed and will not be considered on its merits.


Paul G. Dembling
General Counsel