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R. L. L. L.
Proc II

DECISION



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

FILE: B-191023

DATE: January 31, 1978

MATTER OF: Abbott Power Corporation

DIGEST:

Protest filed after bid opening is untimely and will not be considered on the merits, because protest is based on inappropriateness of specifications apparent on face of solicitation.

Abbott Power Corporation (Abbott) has protested against award of a contract for 10,000 KW Load Banks under the Department of the Navy's solicitation number N00600-78-B-0696. The bid opening was on December 29, 1977.

Abbott's protest was filed on January 4, 1978, and is based on Abbott's contention, as allegedly borne out by the bidding results, that no firm could have submitted a responsive bid to the specifications. Abbott states that it knew before the date set for bid opening that performance under the specifications would be impossible but that it waited until after bid opening to protest, because Abbott believed that its conclusion as to impossibility of performance would be confirmed.

Our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1977), require that:

"[P]rotests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening * * * shall be filed prior to bid opening * * *"

In view of the fact that the alleged improprieties in the specifications were apparent to Abbott prior to bid opening, the protest is untimely.

Accordingly, the protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel