

7407 Somervell, Pl-1

DECISION



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

FILE: B-192426

DATE: August 18, 1978

MATTER OF: Somervell & Associates, Ltd.

DIGEST:

Protest against improprieties allegedly contained in IFB which was hand delivered to GAO one minute after bid opening is untimely since under section 20.2(b)(1) of our Bid Protest Procedures any protest against improprieties in invitation must be filed prior to bid opening.

Somervell & Associates, Ltd., has filed a protest against award of a contract for duplication and photographic services pursuant to invitation for bids (IFB) No. NTSB-78004, issued on June 1, 1978, by the National Transportation and Safety Board. The protester alleges, in its initial protest letter filed on July 18, 1978, that the award criteria and definition of "Minimum Charge" contained in the IFB are not clear. In a second letter filed on July 31, 1978, the protester enumerates numerous other ambiguities and improprieties allegedly contained in the solicitation.

Bid opening took place at 2 p.m., on July 18, 1978, as indicated in the IFB. The initial letter of protest was hand delivered to our Office at 2:01 p.m., on July 18, 1978, as evidenced by the time and date stamped on its face upon receipt in our Office. Therefore, since the bases for protest were apparent from the solicitation, we consider the protest to be untimely filed in accordance with section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1977), which requires that a protest alleging improprieties in an IFB be filed prior to bid opening. See, for example, American Can Company - Reconsideration, B-186974, August 19, 1976, 76-2 CPD 178, and Emerson Electric Co., B-184346, September 9, 1975, 75-2 CPD 141, where protests filed with bids were determined untimely.

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Accordingly, the protest will not be considered on its merits.

for *Milton J. Aoulan*
Paul G. Dembling
General Counsel