

DECISION



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

10, 6/18

FILE: B-194957

DATE: June 28, 1979

MATTER OF: Bucks County Association
for the Blind

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DIGEST:

Protest against wage rate determination included in solicitation filed after bid opening is untimely.

AGC 003378
Bucks County Association for the Blind (Bucks County) protests any award of contracts under invitations for bids DLA-13H-79B-8440 and DLA-13H-79B-8465, issued by the Defense Logistics Agency. Bucks County contends that the Department of Labor wage rate determination included with the solicitations should have specified a uniform nationwide rate rather than the different rates prevailing in the localities where the services will be performed. For the following reasons, Bucks County's protest is untimely under our Bid Protest Procedures, 4 C.F.R. Part 20 (1978).

[Protests based upon alleged improprieties in a solicitation] which are apparent prior to bid opening must be filed before that date. 4 C.F.R. §20.2(b)(1). The protester's objection to the wage determination was apparent upon receipt of the solicitations and amendments. Bids for both solicitations were opened on May 10, 1979. Since Bucks County first filed a protest on May 24, the matter was untimely raised and will not be considered on its merits.

Although we have not considered Bucks County's protest on the merits, we point out that the Service Contract Act, (41 U.S.C. § 351 et seq. (1976)) appears to require payment of wage rates based on the locality where the services are to be performed. See 53 Comp. Gen. 370 (1973) and The Cage Company of Abilene, Inc., 57 Comp. Gen. 549 (1978), 78-1 CPD 430.

The protest is dismissed.

Milton J. Socolar
Milton J. Socolar
General Counsel

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