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PL-1
Mr. HasFurther



DECISION

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

FILE: B-196706

DATE: November 29, 1979

MATTER OF: Hoedads Co-Op Incorporated

C 2294 ?

DIGEST:

[Protest against improprieties in solicitation] apparent prior to bid opening is untimely and not for consideration as filed after bid opening.

Hoedads Co-Op Incorporated protests by letter of October 30, 1979, the failure of the Bureau of Land Management, Department of the Interior, to include in its invitation for bids No. YA-554-IFBO-27, pursuant to the McNamara-O'Hara Service Contract Act of 1965, 41 U.S.C. § 351, et seq. (1976), a stipulation that:

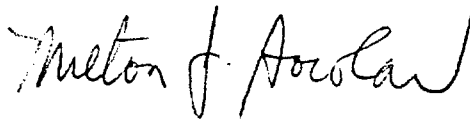
"* * * no part of the services covered by this chapter will be performed in buildings or surroundings or under working conditions, provided by or under the control or supervision of the contractor or any subcontractor, which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish the services."

In addition, it is contended that the failure to include this stipulation would allegedly cause the contractor upon contract execution to breach his duty under 41 C.F.R. § 50-204.2(A) (1979) to protect the health and safety of his workers.

The protest was received by our Office on November 7. We are advised that bid opening occurred on November 6, and no protest was received by the agency prior thereto. Our Bid Protest Procedures require that protests based upon alleged improprieties

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in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 20.2(b)(1) (1979). Consequently, the instant protest is untimely and not for our consideration.

A handwritten signature in cursive script that reads "Milton J. Socolar".

Milton J. Socolar
General Counsel