

**DECISION**



12402 R. Ayer  
THE COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-196380.2

DATE: January 2, 1980

MATTER OF: Winston T. McCleery, Consultants D 3541

*[Protest Alleging IFB Specifications Are Ambiguous and Incomplete]*

DIGEST:

Allegation concerning deficiency  
in IFB's technical information  
filed after bid opening is untimely  
and not for consideration on merits.

Winston T. McCleery, Consultants (McCleery),  
protests the District of Columbia, Department of  
General Services (D.C.), award of a contract to  
CGA Software Products Group (CGA) under invitation  
for bids (IFB) No. 0682-AA-74-0-9-BM. The IFB  
sought bids for computer software to be used by  
the District of Columbia Department of Labor.  
McCleery protests on the ground that the  
specifications included in the IFB are ambiguous  
and incomplete. McCleery believes that the  
specifications are so general that evaluation of  
bids is impossible. C 106

McCleery did not assert its protest until  
November 30, 1979.

Our Bid Protest Procedures require that pro-  
tests based on alleged improprieties in a sollicita-  
tion which are apparent prior to bid opening must  
be filed prior to bid opening. 4 C.F.R. § 20.2(b)  
(1) (1979). The bids were opened on September 19,  
1979. McCleery's protest was received on  
November 30, 1979. Since the deficiency complained  
of is apparent on the face of the solicitation, the  
protest had to be received prior to the September 19,  
1979, bid opening in order to be timely.

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Accordingly, McCleery's protest is untimely and will not be considered on the merits.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Socolar  
General Counsel



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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

12403 J. Vachon  
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FILE: B-197078

DATE: January 2, 1980

MATTER OF: American Aquarius Waste Disposal

D3542

*[Protest of IFB Bid Bond Requirement]*

**DIGEST:** Protest filed after bid opening that IFB should not have required submission of bid bond and should have provided for use of Government facilities is untimely under 4 C.F.R. § 20.2(b)(1) (1979) since alleged improprieties were apparent prior to bid opening and protest should have been filed prior to bid opening.

American Aquarius Waste Disposal (American) has protested the requirement for submission of bid bonds in invitation for bids No. F04666-79-B-0060 issued at Beale Air Force Base, California.

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American's bid was rejected as nonresponsive for failure to include a bid bond or bid guarantee as required. American contends that the bond should not have been required since the IFB was a 100-percent small business set-aside and the requirement penalizes the small businessman.

As the requirement for bid bonds was evident from the face of the IFB, American's protest, filed after bid opening, was untimely filed under our Bid Protest Procedures (4 C.F.R. part 20 (1979)). Section 20.2(b)(1) requires protests based on alleged improprieties in a solicitation which are apparent prior to bid opening be filed prior to bid opening.

For the same reason, American's protest that the IFB did not provide for the use of Government facilities to wash the contractor's trucks is also untimely.

The protest is dismissed.

*Milton J. Socolar*

Milton J. Socolar  
General Counsel

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