

**DECISION**



*Transportation*  
*13699*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-198546

DATE: May 9, 1980

MATTER OF: Broken Lance Enterprises, Inc.

**DIGEST:**

[Protest against alleged impropriety in solicitation] apparent prior to bid opening, but filed after bid opening, is untimely and not for consideration on merits.

Broken Lance Enterprises, Inc. (Broken Lance), by letter dated April 17, 1980, protests the award of a contract by the Army under invitation for bids (IFB) No. DAAD05-80-B-0013.

Broken Lance asserts that IFB instructions improperly provided for award to be made to the low responsive aggregate bidder for certain dining facilities services for five different buildings. Broken Lance contends that bidders should have been required to provide a specific breakdown of the costs allocated to the staffing requirements for each of the buildings listed. Thus, Broken Lance believes the IFB instructions were inadequate and improper.

The protest was filed (received) in our Office on April 21, 1980. We have been advised by the Army that bid opening occurred on April 16, 1980, and that it did not receive a protest prior to bid opening. Our Bid Protest Procedures require that protests based on alleged improprieties in a solicitation which are apparent prior to bid opening be filed prior to bid opening. 4 C.F.R. § 20.2(b)(1) (1980).

The protest is dismissed as untimely.

*Harry R. Van Cleave*  
for Milton J. Socolar  
General Counsel

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