

Mr Alkon

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DECISION



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

FILE: B-199482

DATE: July 18, 1980

MATTER OF: Zinger Construction Co., Inc.

DIGEST:

IFB [Protest alleging inadequate safety requirements in invitation which is filed after bid opening is untimely and not for consideration on merits.]

Zinger Construction Co., Inc. (Zinger) protests the award of a contract by the Department of the Army (Army) under invitation for bids (IFB) No. DACA51-80-B-0047. The IFB sought bids for the restoration of Building 3A at the Stratford Army Plant. Zinger protests on the ground that the specifications regarding safety requirements are incomplete, making the IFB ambiguous and defective. The protester requests that the IFB documents be clarified and readvertised.

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 that bid opening. 4 C.F.R. § 20.2(b)(1) (1980). Bids for the instant contract were opened on July 2, 1980. Zinger's protest was lodged with the Army on July 3, 1980 and with GAO on July 7, 1980. Because the deficiency complained of is apparent on the face of the solicitation, the protest had to be received prior to July 2, 1980 in order to be timely. Winston T. McCleery, Consultants, B-196380.2, January 2, 1980, 80-1 CPD 7.

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

Milton J. Soclar

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General Counsel

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