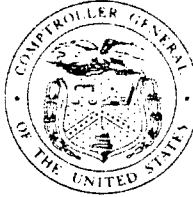


DECISION



15344  
A/KON  
PL2  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE: B-200789

DATE: November 6, 1980

MATTER OF: Midstate Elevator Co. Inc.

DIGEST:

[Protest alleging unduly restrictive specifications] which is filed after bid opening is untimely and not for consideration on merits.

Midstate Elevator Co. Inc. (Midstate) (protests the award of project) 80-101 by the Veterans Administration to Schindler Haughton Elevator Corp. Midstate (claims that the project specifications were unduly restrictive in that they improperly precluded small businesses from bidding on the project.)

Our (Bid Protest Procedures require that protests based on alleged specification improprieties which are apparent prior to bid opening be filed prior to bid opening. 4 C.F.R. § 20.2(b)(1) (1980). Bids for the instant project were opened on September 10, 1980, and Midstate's protest was lodged with the Small Business Administration some time after September 24, 1980, and with our Office on October 9, 1980. (Because Midstate's protest concerns a deficiency apparent on the face of the solicitation and was received after September 10, 1980, it is untimely.) Zinger Construction Co., Inc., B-199482, July 18, 1980, 80-2 CPD 50.

Accordingly, this protest is dismissed.

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

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