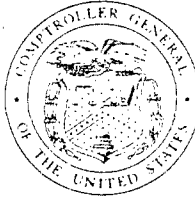


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Mr. Roberts

DECISION



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

FILE: B-203249

DATE: May 27, 1981

MATTER OF: Optic-Electronic Corp.

DIGEST:

Protest alleging error in solicitation specification which is filed after bid opening is untimely and therefore will not be considered on merits.

Optic-Electronic Corp. protests the award of a contract under invitation for bids (IFB) No. DAAA09-81-B-2177, issued by the Department of the Army for armament elbow assemblies. Optic-Electronic contends that the IFB listed as included in the bid package a non-existent source control drawing. The firm suggests that this alleged error may have adversely affected bidders' pricing considerations.

Our Bid Protest Procedures require that protests based on alleged specification deficiencies in a solicitation which are apparent prior to bid opening be filed by that date. 4 C.F.R. § 20.2(b)(1) (1980). We are informally advised by the Army that bids were opened on April 2, 1981, yet Optic-Electronic's protest was not filed (received) in our Office until May 11, 1981. Because Optic-Electronic's protest concerns an alleged deficiency apparent on the face of the solicitation and was filed after bid opening, it is untimely and will not be considered on the merits. Dynation Corporation, B-201342, December 10, 1980, 80-2 CPD 423.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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