

DECISION



119528
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-207721

DATE: September 21, 1982

MATTER OF: Le Prix Electrical Distributors, Ltd.

DIGEST:

Protest against an alleged impropriety in an IFB which was apparent on receipt of the solicitation must be filed before bid opening.

Le Prix Electrical Distributors, Ltd. (Le Prix), protests invitation for bids No. NOO600-82-B-1678, issued by the Department of the Navy (Navy), for General Electric Supply Company (GE) high pressure sodium light fixtures and lamps. Le Prix's bid was rejected because it offered other than the required GE product. Le Prix essentially contends that specifying only GE products was restrictive of competition.

We dismiss the protest because it was filed after bid opening.

Our Bid protest Procedures require that an allegation of an impropriety in an invitation which is apparent from the solicitation as issued be filed before bid opening. 4 C.F.R. § 21.2(b)(2) (1982).

The alleged impropriety protested by Le Prix was apparent on the firm's receipt of the solicitation. Moreover, the Le Prix bid included a note that stated the "specification, as written, eliminates competition." However, Le Prix, rather than filing its protest with the Navy or our Office prior to bid opening, chose to file the protest with our Office after notification that an award had been made to GE. Therefore, we find the protest to be untimely and it will not be considered on the merits.

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The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel