

DECISION

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

FILE: B-208528; B-208741; **DATE:** October 20, 1982
B-209145
MATTER OF: Central Texas College

DIGEST:

Protests that solicitations violated Army regulations by failing to restrict competition for educational services to only regionally or nationally accredited institutions and should have been negotiated instead of formally advertised are untimely since alleged deficiencies were apparent from face of solicitations and protests were not filed until after bids were opened.

Central Texas College protests the proposed award of contracts for educational services under invitations for bid (IFB) Nos. DABT31-82-B-0088; DAKF57-82-B-0188; and DAKF06-82-B-0150, which were issued by various contracting activities of the Department of the Army. With respect to each procurement Central contends that the solicitation failed to restrict competition to only regionally or nationally accredited institutions, as required by applicable Army regulations. Moreover, Central contends that these regulations and 10 U.S.C. § 2304(a)(5) require that these procurements be negotiated (requests for proposals), rather than formally advertised (invitations for bids), as they were. We dismiss the protests as untimely.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1982), require that any protest based upon alleged improprieties in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. The term filed means receipt in the contracting agency for protests filed with the agency, or receipt in our Office for protests filed with us. Shell Computer Systems, Inc., B-203986, July 23, 1981, 81-2 CPD 58.

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Here, bid opening on IFB 0088 was held on July 30, 1982, and Central's protest was received in this Office on August 5, 1982. With respect to IFB 0188, bid opening was July 29, 1982, and Central did not file its protest until August 20, 1982. Finally, regarding IFB 0150, bids were opened on September 9, 1982 but Central's protest was not filed until September 21, 1982.

Since the deficiencies that Central complains of were apparent from the face of each solicitation, its protests were untimely filed and are dismissed.

Harry R. Van Cleve
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Acting General Counsel