

DECISION

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

FILE: B-209357.2

DATE: November 2, 1982

MATTER OF: Central Texas College

DIGEST:

Protest alleging solicitation for educational services was defective is untimely since alleged defects were apparent from face of solicitation and protest was not filed until after bid opening.

Central Texas College protests the proposed award of a contract for educational services under invitation for bids (IFB) No. DAKF31-82-B-0090 issued by the Contracting Division, Fort Devens, Massachusetts. Central contends that the solicitation was defective in that it failed to restrict competition to only regionally or nationally accredited institutions, as required by applicable Army regulations. Central further contends that these regulations and 10 U.S.C. § 2304(a)(5) (1976) require that this procurement be negotiated (request for proposals), rather than formally advertised (invitation for bids), as it was. We dismiss the protest as untimely.

Our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1982), require that any protest based upon alleged defects in a solicitation which are apparent on the face of the solicitation, must be filed prior to bid opening. Central Texas College, B-208528, B-208741, B-209145, October 20, 1982, 82-2 CPD _____.

Here, bid opening was held on September 27, 1982, but Central's protest was not filed until October 8, 1982. Since the deficiencies that Central complains of were apparent from the face of the solicitation, its protest was untimely filed and is dismissed.

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