

Marron

26919

DECISION



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

FILE: B-213467

DATE: December 2, 1983

MATTER OF: Westinghouse Electric Corporation

DIGEST:

Protest allegation that an IFB specification is unduly restrictive of competition is untimely and not for consideration on the merits where the alleged restrictiveness was apparent on the face of the IFB, but the protest was not filed until after bid opening.

Westinghouse Electric Corporation (Westinghouse) protests the rejection of its bid by the Naval Submarine Base, Kings Base, Georgia, under invitation for bids (IFB) No. N68248-82-C-0220, for electrical consultation services.

Westinghouse essentially contends the specification which requires the testing consultant to be a member of the National Electrical Testing Association or recognized by a similar organization was unduly restrictive because no manufacturer or supplier of electrical products could meet the requirement. We dismiss the protest as untimely.

Under our Bid Protest Procedures, protests based upon alleged defects apparent on the face of an IFB must be filed prior to bid opening. See 4 C.F.R. § 21.2(b)(1). Allegations that specifications are unduly restrictive of competition generally concern alleged defects which appear on the face of the solicitation. Thus, if Westinghouse believed the specification could not be met by manufacturers or suppliers of electrical products, it was required to protest on this ground prior to bid opening. It did not do so. Westinghouse filed this protest in our Office on October 19, 1983, after its bid was rejected from the competition. Therefore, the protest is untimely and will not be considered on the merits. See CPF Underground Utilities, Inc., and Schweigert, Inc./Joint Venture, B-209940.3, February 1, 1983, 83-1 CPD 112.

027315

The protest is dismissed.

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