

DECISION

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

27381

FILE: B-214222**DATE:** February 10, 1984**MATTER OF:** LaForge Construction Contracting, Inc.**DIGEST:**

Protest filed with GAO within 10 working days of agency's denial of protest is untimely because it pertains to alleged defect in invitation for bids and was not filed with agency until after bid opening.

LaForge Construction Contracting, Inc. protests award of any contract by the Corps of Engineers, Department of the Army under invitation for bids No. DACA41-84-B-0015. LaForge contends that because of an alleged conflict between two provisions in an IFB amendment explaining the bid evaluation procedures, the procurement should be resolicited after appropriate corrections have been made.

The protest is dismissed.

Section 21.2(b)(1) of our procedures provides that a protest concerning an alleged defect in an invitation for bids which is apparent prior to bid opening must be filed prior to bid opening. Under Section 21.1(a), a protest initially filed with the contracting agency will be considered by our Office only if it was filed originally in accordance with this time limit. Armor Elevator Company-Memphis, Inc., B-209775, April 15, 1983, 83-1 CPD 415.

LaForge's protest to the agency was not filed until after bid opening. Therefore, even though its protest to our Office was apparently filed within 10 working days of its receipt of the agency's denial of the protest, LaForge's protest is untimely and will not be considered on its merits.

The protest is dismissed.

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

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