

DECISION

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

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FILE: B-215481

DATE: June 19, 1984

MATTER OF: KLN Steel Products Company

DIGEST:

Protest based on alleged improprieties on the face of a solicitation is untimely and will not be considered on the merits where not filed with GAO or the contracting agency prior to bid opening.

KLN Steel Products Company protests that the specifications in invitation for bids (IFB) No. F38606-84-R-0007, for the repair and alteration of a dormitory at Myrtle Beach Air Force Base, improperly restrict competition by not permitting furniture suppliers a choice of materials from which to make wardrobes, and by excluding a material which has successfully been used in the past while requiring a material for which there is no known current source.

We dismiss the protest.

Our Bid Protest Procedures provide that protests alleging improprieties in an IFB which are apparent prior to the bid opening must be filed with our Office or the contracting office prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1984). Here, the IFB included the specifications relating to materials and if KLN believed these specifications to be improper it was required to protest on these grounds prior to that June 4, 1984 bid opening. Since KLN's protest was not received in our Office until June 7, the protest is untimely and will not be considered on the merits. See Fearflex Engineering Company, B-212537, Feb. 22, 1984, 84-1 CPD ¶ 214.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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