



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: White Office Systems, Inc.
File: B-224252
Date: October 9, 1986

DIGEST

Protester's pre-bid-opening oral complaint to contracting agency that specifications described equipment offered by only one vendor did not constitute timely agency protest since oral protests are not provided for under the Federal Acquisition Regulation. Therefore, protest to GAO, following bid opening, is dismissed as untimely.

DECISION

White Office Systems, Inc. (White), protests the specifications in invitation for bids (IFB) No. DACA31-86-B-0048, issued by the Baltimore district of the United States Army Corps of Engineers (Army) for construction at the Warrenton Training Center, Warrenton, Virginia. White argues that only one vendor can meet the specifications for mechanized storage shelving, and that the requirement was classified as construction to avoid use of a General Services Administration's multiple award schedule contract. We dismiss the protest.

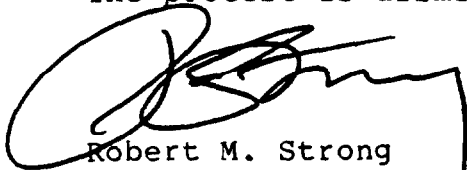
The record reveals that prior to the September 25, 1986, bid opening date, a representative from White orally advised the Army that the specifications for mechanized storage shelving described in detail equipment offered by only one vendor. We received White's protest concerning this matter on October 1, 1986.

Our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1986), require that protests such as this, based on alleged improprieties apparent in a solicitation, be filed prior to bid opening. See York International Corp., B-223248, June 17, 1986, 86-1 C.P.D. ¶ 561. White's protest was not filed with our Office until after the September 25, 1986, bid opening and, therefore, is untimely.

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Although White expressed concern about this procurement to the contracting agency before the closing date, the firm's oral complaint to the contracting agency did not constitute a protest such that a subsequent protest to our Office would be timely. Oral protests are no longer provided for under the Federal Acquisition Regulation, 48 C.F.R. § 33.101 (1985); K-II Construction, Inc., B-221661, Mar. 18, 1986, 65 Comp. Gen. ____, 86-1 C.P.D. ¶ 270.

The protest is dismissed.



Robert M. Strong
Deputy Associate General Counsel