



Comptroller General
of the United States

440911

Washington, D.C. 20548

Decision

Matter of: Neo Enterprises, Inc.

File: B-259115

Date: November 8, 1994

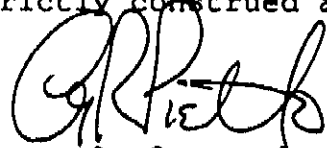
DECISION

Neo Enterprises, Inc. protests solicitation M00681-94-B-0046, issued by the Marines Corps. Neo's bid was rejected as nonresponsive for failing to meet a variety of specifications. Neo does not contest that its product failed to comply with the specifications, but protests that the specifications in question were written by a competing manufacturer, describing that manufacturer's product.

We dismiss the protest as untimely because it challenges an alleged impropriety in the solicitation that should have been protested before bid opening.

Our Bid Protest Regulations contain strict rules requiring timely submission of protests. These rules specifically require that protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1) (1994); Manatts, Inc., B-237532, Feb. 16, 1990, 90-1 CPD ¶ 287.

These timeliness rules reflect the dual requirements of giving parties a fair opportunity to present their cases and resolving protests expeditiously without unduly disrupting or delaying the procurement process. Air Inc.--Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129. In order to prevent these rules from becoming meaningless, exceptions are strictly construed and rarely used. Id.

POB

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