



Comptroller General
of the United States
Washington, D.C. 20548

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Decision

Matter of: Neo Enterprises, Inc.

File: B-259115.2

Date: December 15, 1994

DECISION

Neo Enterprises, Inc. requests reconsideration of our November 8, 1994, dismissal as untimely of Neo's protest concerning solicitation No. M00681-94-B-0046, issued by the Marine Corps. Neo claims that it should have been permitted to protest the assertedly overly restrictive specifications after bid opening.

We affirm the dismissal.

As indicated previously, our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(1) (1994), which require that protests of allegedly restrictive specifications be filed prior to bid opening, are strictly construed. Neo indicated in its protest that it was cognizant that its bid did not comply with the specifications when it submitted its bid and acknowledges its pre-opening knowledge that the solicitation was allegedly overly restrictive. Neo may not await the bid opening results before pursuing its contention that the specifications were unduly restrictive as this would unduly disrupt and delay the procurement process. Air Inc.-- Recon., B-238220.2, Jan. 29, 1990, 90-1 CPD ¶ 129.

Neo claims that since the solicitation did not announce that such protests must be timely filed to be considered, it is not fair to dismiss its protest. However, a protester's lack of actual knowledge of the timeliness requirements contained in our Bid Protest Regulations is not a defense to dismissal of its protest as untimely because prospective contractors are on constructive notice of our Regulations, since they are published in the Federal Register and Code of Federal Regulations. Rudd Constr. Inc., B-234936, Apr. 10, 1989, 89-1 CPD ¶ 367.

Ronald Berger

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