

088017

DECISION



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

40341

FILE: B-178765

DATE: January 14, 1974

MATTER OF: Croy Construction Co.

DIGEST: GAO decision B-178765, October 31, 1973, involving protest filed after bid opening against propriety of the specifications, is sustained since the protest is untimely under GAO Interim Bid Protest Procedures and Standards which provide that protests based upon alleged improprieties in IFB apparent before bid opening shall be filed prior thereto.

This concerns Croy Construction Co.'s (Croy) request of November 7, 1973, for reconsideration of our decision B-178765, October 31, 1973, wherein we denied Croy's protest against the rejection of its low bid under invitation for bids (IFB) 73-48, issued by the Federal Communications Commission for construction of buildings, roads, and a sewage system at Ferndale, Washington.

Croy contends that the specification for the culvert pipe which required "concrete reinforced corrugated steel 24" was faulty and that the specification should have read "Concrete reinforced or steel corrugated pipe." Croy's bid was rejected as nonresponsive since it offered only concrete reinforced pipe and did not offer a 20-year roof guarantee as required.

We have been advised by the Acting Chief, Field Operations Bureau, Federal Communications Commission, that the contract specification referred to as "concrete reinforced corrugated steel" is correct as stated. The word "or" is not missing from the specification and was never intended to be included. We are further informed that the type of pipe required was "concrete reinforced steel corrugated pipe" which is what has been installed by the contractor. Further, under section 20.2(a) of the Interim Bid Protest Procedures and Standards of our Office, any questions regarding the propriety of the specifications which are apparent prior to bid opening are required to be filed prior thereto. Under this provision the protest regarding the propriety of the specifications is untimely.

For protestant's information, we have been advised that a personal inspection by the contracting officer's technical representative during construction confirmed that the specification requirements have been met.

743920/088017

B-178765

If Croy wishes to visit the job site, once construction activity is completed, it should contact the procuring activity and make the necessary arrangements.

In view of the foregoing, we find no legal basis to question the rejection of Croy's bid as nonresponsive and our decision B-178765, October 31, 1973, is therefore affirmed.

R. M. Ketter
Deputy Comptroller General
of the United States