

DECISION



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

FILE: B-184298

DATE: September 25, 1975

MATTER OF: Cintas Corporation

DIGEST:

1. Protest filed after bid opening against alleged solicitation impropriety which was apparent prior to bid opening is untimely and not for consideration under section 20.2(b)(1) of GAO's Bid Protest Procedures.
2. Contention that agency may have advised bidders as to frequency of laundry pickup necessary to provide dry-cleaning as required by IFB specifications is not supported by record where agency advises that no such information was provided since frequency of pickup was matter to be determined by individual bidder.

On June 26, 1975, Cintas Corporation filed a protest concerning Government of the District of Columbia (District) invitation for bids (IFB) 0584-AA-84-0-5-MC on the basis that the estimated quantities contained in the IFB are overstated.

The IFB, issued May 6, 1975, solicited bids for contractor operated laundry-drycleaning and pressing services with a bid opening date of June 3, 1975. The IFB notified prospective bidders that quantities set forth in the solicitation were only estimated requirements based on the best estimates available at the time of the issuance of the IFB. Cintas, the incumbent contractor for similar District services and second low bidder on the subject IFB, states that based on its experience the quantities contained in the IFB were misleading.

Section 20.2(b)(1) of our Bid Protest Procedures, 40 Fed. Reg. 17979 (1975), provides that:

"(b)(1) Protests based upon alleged improprieties in any type of solicitation which are apparent prior to bid opening or the closing date for receipt of initial proposals shall be filed prior to bid opening or the closing date for receipt of initial proposals. * * *"

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Therefore, this aspect of Cintas' June 26, 1975, protest concerning an alleged impropriety in the IFB which was apparent prior to the June 3, 1975, bid opening date, is thus untimely and not for consideration.

In addition, the protester has alleged that shortly after bid opening a District procurement official disclosed to Cintas that a once a week delivery schedule was anticipated under the new contract. In this connection, the protester alleges that its own past service history dictated the necessity of twice a week delivery in order to satisfy the specification requirement to provide two laundered or drycleaned garments per individual each week. In essence, Cintas believes it may have been at a disadvantage in preparing its own bid because "* * * it is possible that another bidder was misled into believing this contract could be serviced with a once a week pickup and delivery frequency, thereby causing him to submit a proportionately lower bid based on this less costly pickup and delivery frequency." The District insists, however, that its procurement official made no such definitive statement to Cintas at the post-bid meeting in question "since the specifications leave the option of delivery frequency to the bidder contingent upon providing two laundered garments per individual per week." Moreover, the record does not support the protester's allegation that prior to bid opening any bidder was advised by District officials that the "contract could be serviced" with any particular delivery frequency. Rather, the District points out that each bidder had to make this determination based on its reading of the specification requirements.

Accordingly, Cintas protest is denied.


Deputy Comptroller General
of the United States