

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

DIGEST - L - Cont

79-2 CPD 292

661

FILE: B-196424

DATE: October 24, 1979

MATTER OF: Ronald Campbell Company

DIGEST:

Protest against award of contract on ground that solicitation was biased is untimely under 4 C.F.R. § 20.2(b)(1) (1979), when filed after bid opening, since protests of alleged improprieties apparent from face of solicitation must be protested prior to bid opening and publication of procurement in Commerce Business Daily is constructive notice of solicitation and its contents.

Ronald Campbell Company (Campbell) protests the General Services Administration's award of contract No. GS-01S-07159. Campbell believes that the solicitation was biased in favor of the recipient of the award.

Our Bid Protest Procedures require that protests based on alleged improprieties apparent in a solicitation be filed prior to bid opening. 4 C.F.R. § 20.2(b)(1) (1979). The procurement was published in the April 25, 1979, issue of the Commerce Business Daily (CBD). The CBD advised that bid opening was set for May 18, 1979.

Since publication of a procurement in the CBD constitutes constructive notice of the solicitation and its contents, The Bureau of National Affairs, Inc., B-189962, September 20, 1977, 77-2 CPD 206, Campbell's October 12, 1979, protest to this Office is untimely and not for consideration on the merits.

A handwritten signature in cursive script that reads "Milton J. Socolar".

Milton J. Socolar
General Counsel