

*Donohue*  
**15959**

**DECISION**



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

FILE: B-200954.3

DATE: January 27, 1981

MATTER OF: Triple A Machine Shop, Inc.

DIGEST:

[Protest after <sup>*Alleging*</sup> bid opening that contracting agency did not obtain adequate competition] by use of formally advertised procurement is untimely filed because nature of procurement was apparent from solicitation, requiring timely filing of protest before bid opening.

Triple A Machine Shop, Inc. (Triple A) protests the award of contract under invitation for bids (IFB) No. N65870-81-B-0002 issued by the Department of the Navy for ship repair.

Triple A alleges that the contracting agency was aware that only one firm would respond to the advertised solicitation and that the procurement should therefore have been negotiated in an effort to obtain maximum practicable competition. Triple A also mentions additional unspecified actions which should have been taken to maximize competition.

As the fact that the procurement was being effected by formal advertising was apparent from the IFB, a protest on this ground in order to be timely should have been made before the bid opening. In this regard, Section 20.2(b) (1) of our Bid Protest Procedures, 4 C.F.R. Part 20 (1980), requires protests based on alleged improprieties in a solicitation which are apparent prior to bid opening be filed prior to bid opening. Triple A's protest, filed after opening, is therefore untimely.

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Because it is clear from the protester's initial submission that the protest is not reviewable, we have decided the matter on the basis of this submission without requesting an agency report. F & H Manufacturing Corporation, B-195954, September 28, 1979, 79-2 CPD 231.

(The protest is dismissed.)



Milton J. Socolar  
General Counsel