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DECISION



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

FILE: B-192292

DATE: July 24, 1978

MATTER OF: Schweigert, Inc.

DIGEST:

Initial procurement was canceled and all bids rejected because of excessive costs. Protest after bid opening against reissuance of same requirement under new invitation for bids is untimely because protests alleging improprieties apparent in IFB should be filed prior to bid opening. Protest does not present significant issue because similar questions have been previously decided by GAO.

Schweigert, Inc., protests the cancellation on May 25, 1978, of an invitation for bids (IFB) for the installation of a steam line between two buildings at Port Myer, Virginia, and the readvertisement of the same requirement under a new IFB.

Counsel for the protester states that bid opening on the initial IFB, No. DAHC30-78-B-0052, was held on May 23, 1978, and that by letter dated May 25 bidders were advised that the solicitation was canceled and that all bids were rejected due to excessive cost. The protester advises that this requirement was readvertised in IFB No. DAHC30-78-B-0066 dated June 2, 1978, without substantial change to the specifications or any change in the Government's estimate. Counsel contends that the cancellation of the initial solicitation and reissuance of the requirement was inappropriate and asserts that the first solicitation should be reinstated and award made thereunder.

We have been advised that Schweigert, low bidder on the first solicitation, was the second low bidder on the second solicitation at its bid opening on June 23, 1978. Schweigert's protest was filed with our Office on June 30, 1978.

Section 20.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. § 20.2(b)(1) (1977), requires in part that protests based upon improprieties in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. It is clear that the reissuance of the requirement, upon which Schweigert's protest is based, was apparent by the issuance of the second solicitation and Schweigert's protest should have been filed prior to the June 23 bid opening.

Since the protest was not filed until June 30, it is untimely and not for consideration on the merits.

Counsel also contends that this protest involves issues of significance to procurement practices and, we assume, suggests that the protest should therefore be considered even if untimely filed. See 4 C.F.R. § 20.2(c) (1977). We do not agree because questions similar to those raised here have been previously decided by this Office. See GAF Corporation; Minnesota Mining and Manufacturing Company, 53 Comp. Gen. 586 (1974), 74-1 CPD 68, cited by Schweigert.

The protest is dismissed.

  
Paul G. Dembling  
General Counsel