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**DECISION**



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

FILE: B-207100

DATE: April 23, 1982

MATTER OF: Northwest Independent Forest  
Manufacturers

DIGEST:

Alleged impropriety in solicitation not raised until after bid opening is untimely and will not be considered on the merits.

Northwest Independent Forest Manufacturers (Northwest) protests the inclusion in invitation for bids (IFB) No. DACA 67-9-82-135 of conditions allowing for the export from the United States of unprocessed timber. This timber sale, "Patty Ann Metal II," was offered by the Seattle District, Army Corps of Engineers. The timber is located on the Military Reservation at Fort Lewis, Washington.

According to Northwest's initial protest letter, bids were due no later than 2 p.m., on April 8, 1982. Northwest's letter was dated April 9, 1982, and we received the letter on April 13, 1982.

Under our Bid Protest Procedures, any protest based on an alleged impropriety in the solicitation which is apparent prior to bid opening must be filed (received) in our Office prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1981). As indicated above, Northwest did not file its protest with our Office until 5 days after bid opening. The protest is therefore untimely and will not be considered on the merits. See Johnson Controls, Inc., B-206141, February 17, 1982, 92-1 CPD 142.

We dismiss the protest.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel