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DECISION



P. Iannicelli PL I
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-192188

DATE: August 7, 1978

MATTER OF: Inter-Con Security Systems, Inc.

DIGEST:

Protest filed after bid opening alleging deficiencies in invitation for bids which were apparent prior to bid opening is untimely and not for consideration under General Accounting Office Bid Protest Procedures.

Inter-Con Security Systems, Inc. (Inter-Con), filed a protest on June 26, 1978, alleging deficiencies in invitation for bids (IFB) No. F04693-78-B0002 for the operation and management of base security services at Los Angeles Air Force Station.

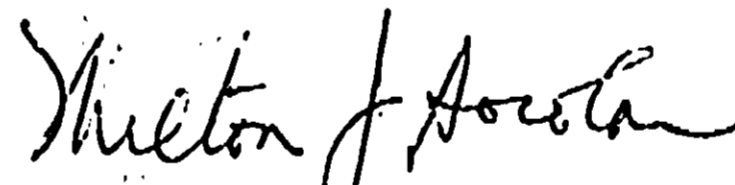
Inter-Con alleges that section "J," paragraph 27, of the IFB should have contained estimates of the number of hours required for initial training and the number of hours required for annual requalification so as to provide a common basis upon which bids could be prepared. Inter-Con argues that since the solicitation did not distinguish between initial training and requalification and because there is a substantial difference in the cost per hour for initial training and the cost per hour for requalification, the bidders were forced to engage in a "guessing game" with regard to the training requirement. Inter-Con also contends that estimates of training hours contained in the solicitation were unreasonable. Inter-Con states that it became aware of these deficiencies only after bids were opened and the "extreme variation in bid prices, particularly the prices covering training" revealed that bidders were not provided with a common basis upon which to bid.

Even though the variation in bid prices is cited by Inter-Con as evidence that the solicitation was ambiguous with regard to the training requirement, the allegations relate solely to deficiencies in the solicitation which should have been evident to the protester prior to bid opening. It is clear that the IFB provided that training was not to exceed 2,600 hours and gave no

estimate of the initial and requalification training hours. Therefore, whether bidders were forced to engage in a "guessing game" as alleged was apparent from the face of the IFB. With regard to the contention that the estimates of training hours were unreasonable, Inter-Con attempts to prove this point by referring to various provisions of the statement of work in the IFB. Therefore, it is likewise clear that this alleged deficiency was apparent on the face of the solicitation. In these circumstances, the cases cited by Inter-Con's counsel are readily distinguishable.

Section 20.2(b)(1) of our Bid Protest Procedures 4 C.F.R. § 20.2(b)(1) (1977), provides that a protest 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. Bids were opened on June 12, 1978, but Inter-Con did not file its protest until June 26, 1978. Since Inter-Con's letter was not filed in our Office until after bid opening, the protest is untimely and not for consideration on the merits. Universal Building and Maintenance, Inc., B-190996, January 31, 1978, 78-1 CPD 85.

The protest is dismissed.

for 
Paul G. Dembling
General Counsel