



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Waste Management of Greater Washington
File: B-237928
Date: December 15, 1989

DIGEST

1. Protest that agency should not have amended solicitation to extend bid opening date to allow greater competition is dismissed since complaint about action taken to increase competition does not constitute a proper basis for protest.
2. Protest contention that, contrary to representations in its bid, awardee does not have on file compliance reports required by equal opportunity laws and regulations and has not developed affirmative action plans is dismissed since such affirmative action requirements are matters of responsibility and the General Accounting Office generally will not review a contracting officer's affirmative responsibility determination.

DECISION

Waste Management of Greater Washington protests the award of a contract to Eastern Trans-Waste of Maryland under invitation for bids (IFB) No. DADA 15-89-B-0041 issued by the Walter Reed Army Medical Center for refuse collection and disposal. We dismiss the protest without requiring the submission of an agency report.

Waste Management explains that the solicitation was issued with a bid opening date of November 20 and that the solicitation was amended twice, on November 9 to revise the pricing schedule and on November 20 to extend the bid opening date to November 21. According to Waste Management, on November 20 when it attempted to submit its bid it was told that the bid opening was being delayed because some bidders had not received the first amendment.

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Waste Management argues that the November 20 bid opening was improperly delayed to permit other bidders, such as Eastern, to submit bids which otherwise would have been untimely.

The purpose of our bid protest function is to ensure that full and open competition is obtained to the maximum extent practicable and we will not consider a protest that an agency's actions allowed greater competition. See Allied Painting & Decorating Co.--Request for Reconsideration, B-231042.2, May 25, 1988, 88-1 CPD ¶ 502. Thus, the agency's decision to extend the bid opening date to allow other bidders to compete is not a proper basis for protest.

Waste Management also maintains that in spite of representations in its bid, Eastern does not have on file compliance reports required by equal opportunity laws and regulations and has not developed the necessary affirmative action plans. The protester argues that Walter Reed awarded the contract without verifying that Eastern has the required information on file.

Compliance with the affirmative action requirements described by Waste Management is a matter of the bidder's responsibility. Singer Furniture Co., B-231915, July 14, 1988, 88-2 CPD ¶ 53. By awarding a contract to Eastern, Walter Reed determined that the firm is a responsible contractor. We will not review an affirmative determination of responsibility absent a showing of possible fraud or bad faith on the part of the contracting officer or that definitive responsibility criteria have not been met. Since neither has been alleged or shown here, we will not consider this basis of protest.

The protest is dismissed.


Ronald Berger
Associate General Counsel