

McConnell
1/84/22

DECISION



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

FILE: B-206999.3

DATE: May 18, 1982

MATTER OF: TS Infosystems, Inc.

DIGEST:

1. A protest alleging inaccuracies in a solicitation that are apparent prior to bid opening must be filed before bid opening.
2. GAO will not review affirmative determinations of responsibility except in limited circumstances.

TS Infosystems, Inc. (TSI) protests the award of any contract for duplicating services by the Federal Communications Commission (FCC) under solicitation No. IFB-82-03. The firm complains that the solicitation contained inaccurate estimates of the volume of work expected under the contract. TSI also asserts that Downtown Copy Center, the apparent low bidder, is nonresponsible because of the allegedly poor service it is rendering under the current contract.

We dismiss the protest.

Our Bid Protest Procedures require that a protest alleging inaccuracies in the solicitation that are apparent prior to bid opening be filed before that date. 4 C.F.R. § 21.2(b)(1) (1981). Here, bid opening occurred on April 16, 1982. We received TSI's protest on April 29. Thus, we will not consider TSI's challenge of the solicitation's estimates because it is untimely filed. See Sharp Electronics Corporation, B-205842, March 8, 1982, 82-1 CPD 211.

In addition, we will not consider TSI's complaint that Downtown Copy Center is nonresponsible. The contracting officer must find that Downtown Copy Center is a responsible concern before awarding a contract to the firm. Federal Procurement Regulations § 1-1.1202 (1964 ed.). This Office does not review a contracting officer's affirmative determination of responsibility absent a showing that the contracting officer acted fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation have not been met. See Beason Winch Company, B-206513, March 15, 1982, 82-1 CPD 242. TSI does not allege either exception here.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel