

**DECISION**



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

28991

**FILE:** B-215830

**DATE:** August 1, 1984

**MATTER OF:** Celtech Inc.

**DIGEST:**

1. Protest against alleged solicitation impropriety that was apparent prior to the closing date for receipt of initial proposals is untimely where the protest was not filed until after that date.
2. A firm's ability to perform is a matter of responsibility, and GAO will not review an affirmative determination in that respect except in limited circumstances.
3. Contract administration is not within the purview of GAO's bid protest function.

Celtech Inc. protests the requirements of General Services Administration solicitation No. WFCG-G9-R-1082 for typewriter maintenance, and any award thereunder. We dismiss the protest.

The solicitation required that the eventual contractor maintain machines in accordance with the manufacturer's standards, using new and equal replacement parts, and established an estimated price per call of \$35.00. Celtech complains that the estimate is unrealistically low and does not take into account the escalating costs of typewriter maintenance repair.

Our Bid Protest Procedures provide that a protest based on alleged solicitation improprieties that are apparent prior to the closing date for receipt of initial proposals must be filed before that date. 4 C.F.R. § 21.2(b)(1) (1984). Since the pricing estimate was apparent in the solicitation, but the protester did not protest until after the closing date, the protest on this issue is untimely and will not be considered.

029654

B-215830

Celtech expresses its concern that a company submitting a bid with the low price the solicitation invites may not be able to perform at the contract price, or may not perform according to the specifications. A firm's capability, however, is a matter of responsibility, and our Office does not review an affirmative determination in that respect, which must precede any award, except in limited circumstances. See Baldwin-Hamilton Company, B-213523, Nov. 10, 1983, 83-2 CPD ¶ 550. Moreover, it is the contracting agency's responsibility to administer the contract so as to obtain the performance it contracted for, and contract administration thus is not within the purview of this Office's bid protest function. Id.

The protest is dismissed.

*Richard R. Pearson*

*For* Harry R. Van Cleve  
Acting General Counsel