



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Environmental Health Associates, Ltd.

File: B-246711

Date: December 3, 1991

Melvin N. Kramer for the protester,
Christine F. Bednarz, Esq., Office of the General Counsel,
GAO, participated in the preparation of the decision.

DIGEST

The advertisement of allegedly inaccurate information in the Commerce Business Daily as to the amount of allocated funds for a procurement does not render a solicitation defective, where the solicitation's terms themselves are not alleged to be misleading.

DECISION

Environmental Health Associates, Ltd. protests request for proposals (RFP) No. 0000125084, issued by the Department of State, for the procurement of certain part time services. Environmental claims that the solicitation is defective because the announcement of the solicitation in the Commerce Business Daily (CBD) inaccurately advertised the amount of allocated funds available for the contract.

We dismiss the protest.

A CBD announcement is not the equivalent of a formal solicitation and, in our view, does not lock an agency into the advertised features. See Hung Myung (USA) Ltd., Inc.; Containertechnik Hamburg GmbH & Co., B-244686 et al., Nov. 7, 1991, 91-2 CPD ¶ _____. The RFP alone represents the government's minimum needs, and there is no indication in the protest that the terms of the RFP, itself, were misleading. Id.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988). Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Mgmt. Servs., Inc.--Recon., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.

To achieve this end, our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of a protest, 4 C.F.R. § 21.1(c)(4), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Robert Wall Edge--Recon., B-234469.2, Mar. 30, 1989, 89-1 CPD ¶ 335.

The protester has asserted no facts to establish the likelihood that the agency violated applicable procurement laws or regulations.

The protest is dismissed.



James A. Spangenberg
Assistant General Counsel