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*J. Carter 12-1*

**DECISION**



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

FILE: B-191957

DATE: July 25, 1978

MATTER OF: Otis Elevator Company

**DIGEST:**

Allegations that level and quality of parts inventory actually maintained by apparent low bidder does not conform to that certified in bid and that maintenance checklist furnished by low bidder was actually a copy of checklist in use by protester pertain to low bidder's responsibility rather than responsiveness of bid. GAO no longer reviews affirmative determinations of responsibility absent exceptions not applicable here.

The Otis Elevator Company (Otis) protests the award of a contract to the apparent low bidder under solicitation No. 4PBO-63 issued by the Public Buildings Service, General Services Administration.

The solicitation in question was issued for the procurement of maintenance services on five Otis VIP-260 passenger elevators and one Otis collective passenger elevator. Otis contends that the apparent low bidder does not maintain the level of parts inventory which it certified in its bid documents and, furthermore, that the inventory actually maintained by the apparent low bidder consists in part of used parts obtained from old Otis elevators. Otis also states that in response to a requirement for the submission of a preventive maintenance schedule check chart actually in use by the offeror, the apparent low bidder submitted a reproduced copy of the Otis maintenance check chart presently in use by Otis on this particular job.

Otis' objections pertain to the responsibility of the apparent low bidder rather than the responsiveness of its bid. This Office no longer reviews protests against affirmative determinations of responsibility unless fraud is alleged on the part of procurement officials or the solicitation contains definitive responsibility criteria which have not been applied. Berlitz School of Languages, B-184296, November 28, 1975, 75-2 CPD 350; Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64. Neither exception applies here.

The protest is dismissed. However, because of the serious nature of the charges we are bringing this to the attention of the Administrator of GSA.

*Milton J. Aorlan*

for Paul G. Dembling  
General Counsel