

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

Boyle

15871

FILE: B-199309

DATE: January 14, 1981

MATTER OF: Synergistic Solutions, Inc.

[Protest of Agency Determination that Firm Was Not Qualified to Compete]

DIGEST:

Determination, made under Office of Federal Procurement Policy's uniform system for contracting for film and videotape productions, that small business concern is not qualified to participate in competition for Government contracts is essentially negative responsibility determination which must be referred to Small Business Administration under certificate of competency program.

Synergistic Solutions, Inc., [protests the determination that its sample videotape production is technically unacceptable and consequently it is not qualified to participate in the uniform system for producing videotapes for the Government.] The determination was made by the Directorate for Audiovisual Management Policy of the Department of Defense, Acting as Executive Agent for the Office of Federal Procurement Policy (OFPP) under the uniform Government-wide system for contracting for motion picture and videotape productions. [OFPP did not refer that negative determination to the Small Business Administration (SBA) for consideration under the certificate of competency (COC) program, as the protester requested.]

Our decision in the matter of Office of Federal Procurement Policy's films production contracting system; John Bransby Productions, Ltd., B-198360, December 9, 1980, 80-2 CPD ___, concluded that [such determinations are essentially negative responsibility determinations which must be referred to SBA under the COC program. Accordingly, we believe that this matter must be referred to SBA and by letter of today we are advising the Administrator of OFPP of our views.

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Protest sustained.]

Milton J. Fowler

For the Comptroller General
of the United States