

117155

Allen

20384

DECISION



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

FILE: B-205852

DATE: December 28, 1981

MATTER OF: Guardian Security Agency, Inc.

DIGEST:

Before a firm can be awarded a contract, the contracting officer must find that it is a responsible business concern, and GAO will not review an affirmative determination of responsibility except in limited circumstances.

Guardian Security Agency, Inc. protests the General Services Administration's (GSA) proposed award of a contract to Modern Security Services, Inc., the apparent low bidder under solicitation GS-11C-10423 for security guard services. The protester, which was the second low bidder, contends that Modern Security Services should be found nonresponsible and thus ineligible for the award.

Before the contract can be awarded, GSA must find that the proposed awardee is a responsible business concern. Federal Procurement Regulations § 1-1.1204-1 (1964 ed.). Our Office does not review a protest against an affirmative determination of responsibility absent a showing that contracting officials acted fraudulently or in bad faith, or that the solicitation contained definitive responsibility criteria which were misapplied. Condor Industries, Inc., B-203545, October 21, 1981, 81-2 CPD 326.

The protester does not suggest that either exception will apply here, but only that Modern Security Services is not financially capable of performing the contract. The protest therefore is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel