



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Calculus, Inc.

File: B-228377.2

Date: December 7, 1987

DIGEST

Protest that awardee did not meet definitive responsibility criterion concerning experience in performing similar services is denied where record indicates awardee submitted adequate objective evidence of its past experience from which the contracting officer could reasonably conclude that criterion had been met.

DECISION

Calculus, Inc. protests the award of a contract by the Department of the Army to El Paso Door Company, under invitation for bid (IFB) No. DABT51-87-B-0236. Calculus alleges that a definitive responsibility criterion in the IFB was misapplied because El Paso does not possess the necessary experience required by the IFB.

We deny the protest.

The IFB solicited offers to provide maintenance and repair of permanently installed cranes, hoists, riggings, overhead doors, sliding doors and dock ramps at Fort Bliss, Texas. The IFB contained the following provision:

"The contractor should have been regularly engaged in the installation, maintenance and repairing of equipment of the general type indicated in this specification for a minimum of two years. Contractor shall furnish documentation to provide evidence of the required experience."

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Calculus alleges that it is the only responsible bidder under the provision and questions the adequacy and veracity of the documentation submitted by El Paso to the Army to comply with this provision.

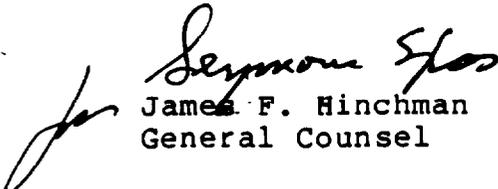
We generally do not review affirmative responsibility determinations since a contracting agency's determination that a particular bidder or offeror is responsible is based in large measure on subjective judgments. Bid Protest Regulations, 4 C.F.R. § 21.3(f)(5) (1987). One exception to this rule is where a solicitation contains definitive responsibility criteria, which are specific objective standards established by an agency to measure a bidder's or offeror's ability to perform the contract. Nations, Inc., B-220935.2, Feb. 26, 1986, 86-1 CPD ¶ 203. A solicitation requirement, as here, that the prospective contractor have a specified number of years of experience in a particular area is such a criterion. Topley Realty Co., Inc., 65 Comp. Gen. 510 (1986), 86-1 CPD ¶ 398. Where an allegation is made that a definitive responsibility criterion has not been satisfied, we will review the record to ascertain whether sufficient evidence of compliance has been submitted such that the contracting officer reasonably could conclude that the definitive criterion has been met. BBC Brown Boveri, Inc., B-227903, Sept. 28, 1987, 87-2 CPD ¶ 309.

Here, the record indicates that the Army evaluated the evidence of experience of the successful bidder and found El Paso to be responsible. Essentially, the information provided to the contracting officer indicated that El Paso had been in business since 1980 and had been regularly engaged in the installation, maintenance and repair of equipment of the general type indicated in the specifications for longer than the required minimum 2-year period. Specifically, El Paso submitted to the contracting officer copies of contractual documents (generally past subcontract agreements under which work was performed) for similar work, including the furnishing and installing of rolling steel doors and rolling counter shutters, overhead doors, and roll-up service doors. The Army reports that El Paso also worked as a subcontractor to a government prime contractor to maintain and repair cranes, hoists, riggings and ramps, and also gained experience working in a project in Mexico.

Calculus claims that El Paso submitted false information and does not really possess its claimed experience. However, based on our review of the record, we think that El Paso submitted sufficient evidence of compliance with the experience requirement such that the contracting officer reasonably could conclude that the definitive criterion has been met. As stated above, the contracting officer was furnished actual contractual documents which collectively

show that El Paso had more than the required minimum experience in the installation, maintenance and repair of equipment of the general type indicated in the specifications. In this regard, we have held that the relative quality of the evidence is a matter for judgment of the contracting officer, not our Office. BBC Brown Boveri, Inc., B-227903, supra; Urban Masonry Corp., B-213196, Jan. 3, 1984, 84-1 CPD ¶ 48. Indeed, the only asserted contravening evidence is Calculus' unsupported allegation that the information submitted by El Paso to the contracting officer is false. Without substantiation, we think that such an allegation can reasonably be disregarded by the contracting officer; further, such unsubstantiated allegations do not, in our view, detract from the reasonableness of a contracting officer's determination that an offeror meets a definitive responsibility criterion.

The protest is denied.


James F. Hinchman
General Counsel