



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Capitol Filmworks, Inc.

File: B-245446

Date: December 17, 1991

Sam Zalman Gdanski, Esq., for the protester.
Millard F. Pippin, Department of the Air Force, for the agency.
Barbara C. Coles, Esq., and Ralph O. White, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

The General Accounting Office will not consider allegations concerning an awardee's financial capacity or an awardee's failure to submit information during the pre-award survey since these matters concern its responsibility.

DECISION

Capitol Filmworks, Inc. protests the award of a contract to Source AV under invitation for bids (IFB) No. F01600-91-B-0024, issued by the Department of the Air Force for audio-visual services. Capitol contends that the award to Source AV was improper because Source AV is not a responsible contractor.

We dismiss the protest.

The IFB, issued on May 28, 1991, contemplated the award of a firm, fixed-price contract for 1 base year and four 1-year option periods. The IFB provided that award would be made to the low, responsive, responsible bidder.

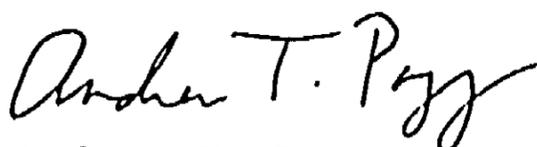
The Air Force received 17 bids by the June 28 bid opening date. Of the 17, Source AV submitted the low price of \$2,545,120, and Capitol submitted the second low price of \$3,119,940. On July 2, the agency mailed a pre-award survey request to the Defense Contract Administration Service (DCAS). The request sought a survey of Source AV's capabilities. In response, DCAS recommended that the agency make a complete award to Source AV. As a result, the contracting officer determined that Source AV was a responsible contractor and subsequently made award to the firm on August 19. Capitol's protest to our Office followed.

Capitol alleges that the agency did not conduct a thorough investigation regarding Source AV's financial capability, and that Source AV failed to comply with the solicitation provision requiring bidders to furnish, during the pre-award survey, resumes and letters of intent from key personnel. Finally, Capitol argues that the Air Force should have rejected Source AV's bid because its proposed price was unreasonably low.¹

Our Office generally will not review an affirmative determination of responsibility, which is largely a business judgment, unless, as relevant here, the determination was the result of possible fraud or bad faith on the agency's part. 4 C.F.R. § 21.3(m)(5) (1991).

Capitol's allegations--that the agency did not conduct a thorough investigation regarding Source AV's financial capability, that Source AV did not provide required information during the pre-award survey, and that Source AV's bid price was too low--all relate to the adequacy of the agency's review of Source AV's responsibility. Since we have reviewed the record here and find no evidence of bad faith, we dismiss these allegations, as they are a challenge to the agency's affirmative determination of responsibility. In addition, we will not consider a protester's contention that a successful offeror's price is too low. E & T Elecs., Inc., B-238099.2, July 10, 1990, 90-2 CPD ¶ 24.

The protest is dismissed.



Andrew T. Pogany
Acting Assistant General Counsel

¹Capitol also alleges that the agency's key technical advisor for the procurement had a personal and a professional relationship with Source AV's proposed manager, and that, as a result, the agency's affirmative determination of responsibility of Source AV was tainted by this individual. The short answer, clearly shown by the record, is that this individual was not involved in any way in the agency's determination of Source AV's responsibility, which was based on the pre-award survey conducted by DCAS, which recommended complete award.