

**DECISION**

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

**FILE:**

B-219814

**DATE:** August 15, 1985**MATTER OF:**

Bellevue Bus Service, Inc.

**DIGEST:**

1. Evidence of a proposed contractor's ability to meet contractual requirements is a matter of responsibility and agency may consider evidence of responsibility any time before award is made.
2. Even when a negative DCASMA report on a proposed contractor is present, the final determination regarding the proposed contractor's responsibility still rests with the contracting officer.
3. GAO generally does not review affirmative determinations of responsibility.

Bellevue Bus Service, Inc. (Bellevue), protests award to the apparent low bidder, Pony Express, on invitation for bids (IFB) No. F25600-85-B0040, issued by Offutt Air Force Base, Nebraska, for school bus service. The protest is dismissed.

Bellevue contends that the Air Force improperly allowed a second preaward inspection of Pony Express' school transportation vehicles because it could not meet the solicitation's requirements on the first inspection. Bellevue also argues that the contracting officer improperly ignored negative reports on Pony Express by the Defense Contract Administration Services Management Area, St. Louis (DCASMA).

Bellevue argues it is impermissible to perform a second preaward inspection after the first inspection showed that Pony Express was not responsible. In this regard, Bellevue relies upon a solicitation section that provides for a preaward inspection of school transportation vehicles.

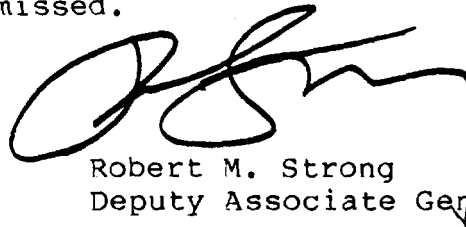
Bellevue's protest is without merit. Evidence of a bidder's ability to perform is a matter of responsibility.

Chambers Consultants and Planners, B-217503, Feb. 5, 1985, 85-1 C.P.D. ¶ 143. The above cited provision in the solicitation did not preclude second inspections since evidence of a firm's responsibility may be furnished any time prior to award. Guardian Security Agency, Inc., B-207309, May 17, 1982, 82-1 C.P.D. ¶ 471.

Further, the contracting officer is not bound by negative DCASMA reports on Pony Express. The final determination regarding a proposed contractor's responsibility still rests with the contracting officer, who evaluates the recommendations contained in the preaward survey report, together with other information available to him. S.W. Electronics and Manufacturing Corp., B-181423, Dec. 17, 1974, 74-2 C.P.D. ¶ 356.

Finally, we will not review an affirmative determination of responsibility in the absence of a showing of fraud or bad faith on the part of procuring officials or the failure to apply a definitive criterion of responsibility. True Machine Company, B-215885, Jan. 4, 1985, 85-1 C.P.D. ¶ 18.

The protest is dismissed.



Robert M. Strong  
Deputy Associate General Counsel