

bid tabulation sheet (undated) shows that Wanamaker was the lowest bidder for each aggregate group and the individual items, followed by Dixon's for the aggregate groups. (AR, Ex. 4).²

On April 15, 1993, DPW, through the Administrator, Office of Management Services ("OMS"), requested certain information from Wanamaker in order to assist in making a determination of responsibility. (AR, Ex. 5). By letter dated April 26, 1993, the awardee responded. (AR, Ex. 6). Nine months later, on January 26, 1994, the Chief, Contract Support Branch, prepared Findings concerning the awardee's responsibility; and on January 27, the Administrator, OMS determined Wanamaker to be responsible, in accordance with the provisions of 27 DCMR § 2200 (July 1988). (AR, Ex. 7). Award was made to Wanamaker on January 27, 1994. (AR, Ex. 8).

In its protest, Dixon's asserts that Wanamaker is not a responsible bidder because: (1) it does not have adequate financial resources to employ sufficient personnel; (2) it does not have adequate financial or personnel resources to comply with the delivery schedule; (3) it does not have a satisfactory record of performance on similar contracts; (4) it lacks required managerial expertise; (5) it had been recently determined to be nonresponsible on a similar contract; and (6) it lacks proper licensing and certificates regarding the use of pesticides.

The District contends that the award to Wanamaker was proper and that the company met the responsibility criteria set out in 27 DCMR § 2200.4.

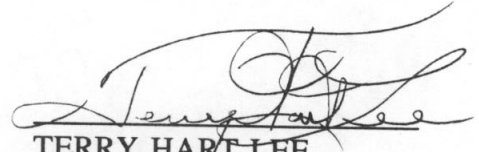
The determination of a bidder's responsibility is the duty of the contracting officer, and that official is vested with wide discretion and business judgment. 27 DCMR §§ 2200 and 2204; *Ideal Electrical Supply Corp.*, CAB No. P-372, August 13, 1993, 6 P.D. 5346. Consequently, we will not overturn a determination of responsibility unless a protestor can show fraud or bad faith, a bidder's failure to adhere to definitive responsibility criteria or that such a determination lacked a reasonable basis. *Id.*; *J&L Contract Services, Inc.*, CAB No. P-313, October 2, 1992, 40 DCR 4565 (July 1993); *Group Insurance Administration, Inc.*, CAB No. P-309-B, September 4, 1992, 40 DCR 4485.

The facts show that the determination of responsibility for Wanamaker had a reasonable basis and that none of protestor's allegations have any basis in fact. (AR, Exs. 6 and 7). Indeed, the detailed Findings made by DPW, based upon information obtained from Wanamaker and its own inquiries, more than support a basis for a determination of responsibility. (*Id.*).


²It appears from Exhibit 4 that for the individual items, Federal Pest Control was the second low bidder.


Consequently, based upon all of the facts and circumstances and the authorities cited herein, this protest is **DENIED**.

DATE: April 6, 1994


TERRY HART LEE
Administrative Judge

CONCUR:


ZOE BUSH
Chief Administrative Judge


CYNTHIA G. HAWKINS-LEÓN
Administrative Judge