



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Southwestern Security Services, Inc.

File: B-270630

Date: December 11, 1995

DECISION

Southwestern Security Services, Inc. protests the award of a contract to the Barbosa Group d/b/a/ Executive Security by the Department of Housing & Urban Development under solicitation No. H06595050900000. Southwestern contends that Executive does not have a satisfactory performance record because of a previous contract Executive had with the City of Houston was terminated because of poor performance.

We dismiss the protest because a protester's challenge to the awardee's ability to perform the contract is generally not reviewed by our Office.

A determination that a bidder or offeror is capable of performing a contract is based, in large measure, on subjective judgments which generally are not susceptible to reasoned review. Thus, an agency's affirmative determination of a contractor's responsibility will not be reviewed by our Office absent a showing of possible bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. Section 21.5(c), 60 Fed. Reg. 40,737, 40,742 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.5(c)); King-Fisher Co., B-236687.2, Feb. 12, 1990, 90-1 CPD ¶ 177. Where, as here, there is no showing of possible fraud or bad faith, or that the definitive responsibility criteria have been misapplied, we have no basis to review the protest.

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