

Thomas



Comptroller General  
of the United States  
Washington, D.C. 20548

# Decision

**Matter of:** Trataros Construction Corporation

**File:** B-270588

**Date:** December 7, 1995

## DECISION

Trataros Construction Corporation protests the award of a contract to Saxon Construction and Management Corporation under General Services Administration, Public Building Service solicitation No. GS-03P-95-CDC-0138. Trataros alleges, on information and belief, that Saxon should not have been found responsible, and thus should not have received the award, because it did not comply with the definitive responsibility criteria in the solicitation, and that Saxon has never performed a contract of this magnitude.

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. In this regard, a mere allegation of improper agency evaluation, made "on information and belief," without any supporting explanation or documentation, does not satisfy the requirement that a protest provide a detailed statement of legal and factual grounds. Federal Computer Int'l Corp.-Recon., B-257618, B-257618.2, July 14, 1994, 94-2 CPD ¶ 24.

The protest is dismissed.

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