

DECISION



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

034753

40997

FILE: B-181486

DATE: August 1, 1974

MATTER OF: Hooper Construction Company p. 3971

[Protest of Air Force Contract Award]

DIGEST: Where protester alleges that low bidders cannot satisfy solicitation's work experience requirements despite fact that contracting officer determined one of low bidders to be responsible, protest will not be considered since matter of prospective contractor's work experience presents question of responsibility and GAO has discontinued practice of reviewing bid protests of contracting officers' affirmative responsibility determinations, except for actions by procuring officials which are tantamount to fraud. See 53 Comp. Gen. _____, B-177512, June 7, 1974.

2 Hooper Construction Company (Hooper) protests the award of any contract resulting from a solicitation issued by Plattsburg Air Force Base, New York, to either of the two lowest bidders on the ground that neither can satisfy the work experience requirements set forth in the solicitation. 940

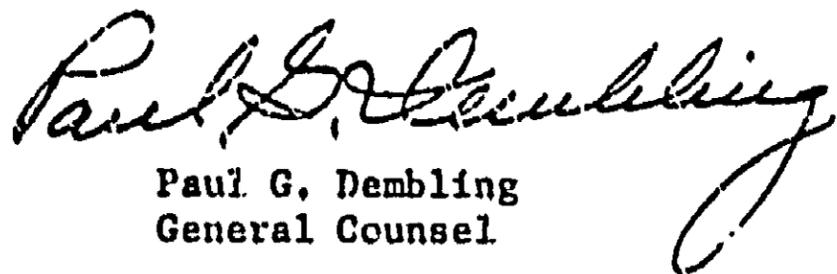
We have been informally advised that one of the low bidders was determined to be a responsible prospective contractor on May 16, 1974, and has been awarded the contract.

^{GAO} This Office has consistently held that the matter of a prospective contractor's work experience presents a question of responsibility of the bidder. See 45 Comp. Gen. 4 (1965); 37 id. 420 (1957); B-170099, January 22, 1971; and B-170179, August 26, 1970. Since the determination of a proposed contractor's responsibility is largely within the discretion of the contracting officer, this Office has discontinued its prior practice of reviewing bid protests involving a contracting officer's affirmative determination of responsibility. See 53 Comp. Gen. _____, B-177512, June 7, 1974. If pursuant to the

B-181486

applicable regulations the contracting officer finds the proposed contractor responsible, as here, we do not believe the finding should be disturbed except for actions by procuring officials which are tantamount to fraud.

Accordingly, as no fraud has been alleged or demonstrated, we must decline to further consider the matter.


Paul G. Dembling
General Counsel

BEST DOCUMENT AVAILABLE