

DECISION

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

FILE: B-184975

DATE: October 24, 1975

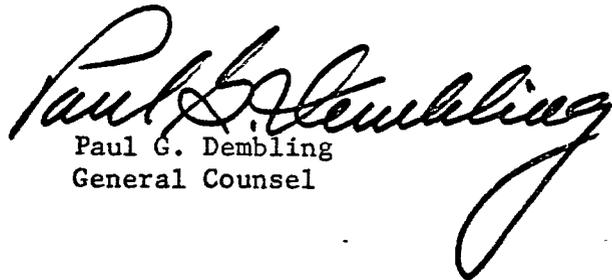
MATTER OF: Altek Corporation

DIGEST:

Allegation that low bidder is nonresponsible, being seriously in default on three other similar awards, will not be considered since practice of reviewing bid protests involving contracting officer's affirmative determination of nonresponsibility has been discontinued absent allegation of fraud on the part of procuring officials or where solicitation contains definitive responsibility criteria which allegedly have not been applied.

The Altek Corporation (Altek) protests the possible award of a contract to the low bidder under invitation for bids (IFB) N62306-76-B-0003, issued by the United States Naval Oceanographic Office. Altek alleges that the low bidder is not a responsible qualified bidder, being seriously in default on three other similar awards.

This Office does not review protests against affirmative determinations of responsibility unless, unlike here, either fraud is alleged on the part of procuring officials or where the solicitation contains definitive responsibility criteria which allegedly have not been applied. Kisco Company, Incorporated, B-184319, July 18, 1975, 75-2 CPD 52. Although we will consider protests against determinations of nonresponsibility to provide assurance against the arbitrary rejection of bids, affirmative determinations are based in large measure on subjective judgments which are largely within the discretion of procuring officials who must suffer any difficulties experienced by reason of a contractor's inability to perform.


Paul G. Dembling
General Counsel