

DECISION



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

60677

FILE: B-186041

DATE: March 26, 1976

MATTER OF: Tabet Manufacturing Co., Inc.

98448

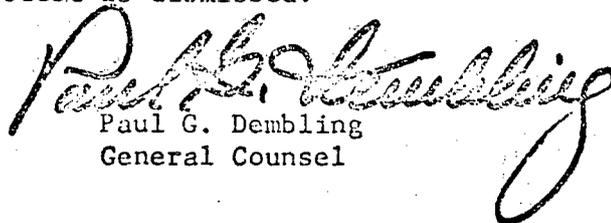
DIGEST:

Protest against prospective affirmative determination of responsibility on grounds not directly related to definitive evaluation criteria contained in solicitation will not be reviewed by GAO absent allegation of fraud.

This is a protest filed by the Tabet Manufacturing Company, Inc. (Tabet) objecting to an award to Audi Industries (Audi) under RFQ N00104-76-B-0483, issued by the Navy Supply Systems Command. Tabet contends that Audi lacks the expertise and tooling necessary to perform the contract, and asserts that the time which would be required to obtain such tooling "would drastically impact [Audi's] delivery schedule." Further, Tabet argues that Audi has submitted a below-cost bid, and suggests that a pre-award survey should be conducted.

Tabet's position clearly anticipates that the contracting officer will make an affirmative determination of Audi's responsibility. However, this Office no longer reviews protests against affirmative determinations of responsibility, absent allegations of fraud or unless the solicitation includes definitive responsibility criteria which it is claimed were not applied. Central Metal Products, Inc., 54 Comp. Gen. 66, 74-2 CPD 64 (1974). While we do consider protests against determinations of nonresponsibility in order 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 the procuring officials who must suffer any difficulties resulting by reason of a contractor's inability to perform.

Accordingly, this protest is dismissed.


Paul G. Dembling
General Counsel