

01504

DECISION



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

*Boisford
Proc. II*

FILE: B-187920

DATE: February 2, 1977

MATTER OF: F.J. Roderick & Son, Inc.

DIGEST

Protest that contract was awarded to company not financially solvent is dismissed because GAO does not consider protest involving affirmative determinations of contractor responsibility except in certain situations not present here.

F.J. Roderick and Son, Inc. (Roderick) has protested the award of a contract to Van Tassel Moving and Storage (Van Tassel) under invitation for bids (IFB) F30635-76-G-9172 issued by the Department of the Air Force, Griffiss Air Force Base, New York.

Roderick claims that Van Tassel is not financially solvent and therefore requests that it be awarded the contract as the responsive and responsible bidder. In effect, Roderick is questioning the contracting officer's determination that Van Tassel is a responsible contractor.

The determination of a contractor's responsibility is within the agency's discretion and we do not review affirmative determinations of responsibility unless fraud is alleged on the part of the contracting officer or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Data Test Corporation, 54 Comp. Gen. 715 (1975), 75-1 CPD 138. Accordingly, Roderick's protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel