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**DECISION**



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

FILE: E-188171

DATE: February 23, 1977

MATTER OF: Vi-Mil, Inc.

**DIGEST:**

Protests concerning affirmative determinations of responsibility are not reviewed by the General Accounting Office except for reasons not applicable in this case.

Vi-Mil, Inc. (Vi-Mil) protests the anticipated award to Abate Clothing Corporation (Abate) under invitation for bids DEA100-77-B-0255, issued by the Defense Logistics Agency. It appears that the basis for Vi-Mil's protest is its concern that Abate may not possess the financial strength to successfully perform contracts arising from this solicitation. In essence, Vi-Mil is challenging any affirmative determination of responsibility that may be made regarding Abate.

While the contracting officer may not yet have made a determination as to Abate's responsibility, it should be noted that this Office no longer reviews protests concerning affirmative determinations of responsibility, absent a showing of fraud on the part of contracting officials or other circumstances not applicable here. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Data Test Corporation, 54 Comp. Gen. 499 (1974), 74-2 CPD 365, affirmed 54 Comp. Gen. 715 (1975), 75-1 CPD 138. While we do consider protests involving negative determinations of the protester's responsibility 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.

In view of the fact that the protest concerns a matter not for consideration by this Office, it is dismissed without further action.

*Paul G. Dembling*  
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General Counsel