

4397

04180

DECISION



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

FILE: B-190523

DATE: November 8, 1977

MATTER OF: Mobil Magic

DIGEST:

Protest alleging that successful offeror will not meet specifications is dismissed since it involves challenge to affirmative determination of responsibility which is not reviewed by GAO except under circumstances not present here.

Mobil Magic (Mobil) protests the award of a contract under request for proposals No. F04699-77-00096 issued by the U.S. Air Force, McClellan Air Force Base, California.

Mobil contends that the successful offeror's equipment will not meet the specifications.

The question as to whether a bidder or offeror submitting a responsive or conforming offer will perform in accordance with the specifications involves a determination as to the responsibility of the bidder or offeror. Kings Point Machinery, B-181031, August 2, 1974, 74-2 CPD 74; Philips Audio Visual Systems Corporation, B-185906, November 11, 1976, 76-2 CPD 399. Affirmative determinations of responsibility are based in large measure on subjective judgments which are largely within the discretion of the procuring officials and are not readily susceptible to reasoned review. Such determinations will not be reviewed by this Office, except under circumstances not alleged to be involved here, since it is those officials who must suffer any difficulties resulting by reason of a contractor's inability to perform. Central Metal Products, Incorporated, 54 Comp. Gen. 56 (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.

The protest is dismissed.

Paul G. Dembling
General Counsel