

5119



*W. W. Wetherington
Proc I*

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

DECISION

FILE: B-190829

DATE: January 20, 1975

MATTER OF: Forest Development, Inc.; Pacific Reforestation, Inc.; Webfoot Reforestation; Willamette Timber Systems

DIGEST:

Protest alleging that awardee cannot comply with contract requirements is dismissed since Government's acceptance of responsive bid effectively binds bidder to perform in accordance with IFB terms, and whether bidder is able to do so is matter of responsibility, and agency's affirmative determination thereof will not be reviewed by GAO except in limited circumstances. Moreover, whether awardee actually complies with IFB requirements is matter of contract administration, and not for GAO consideration.

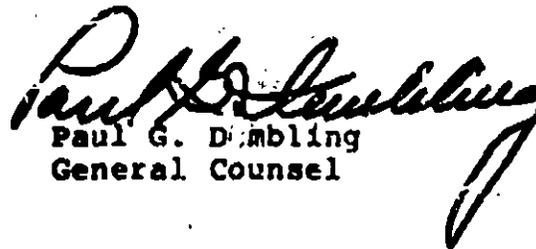
Forest Development, Inc., Pacific Reforestation, Inc., Webfoot Reforestation, and Willamette Timber Systems protest the award of a contract to The Hoedads, Inc. (Hoedads), under invitation for bids (IFB) No. YA-514-IFB8-13, issued by the Department of the Interior, Bureau of Land Management (BLM). The protesters allege that the Hoedads cannot comply with contract provisions requiring a work crew supervisor for each work crew because the Hoedads is organized as a workers productive cooperative with all members having equal authority. The protesters contend that since all members of the Hoedads are equal in this respect, its work crew supervisors would not have the authority to control the other crew members, as envisioned in the contract provisions.

In regard to whether the awardee can comply, the Government's acceptance of a responsive bid effectively binds the bidder to perform in accordance with the terms of the solicitation. 52 Comp. Gen. 955 (1973). The ability of a bidder to do so is a matter of responsibility. See 53 Comp. Gen. 396 (1973). The award of a contract to

B-190829

Hooqads necessarily involved an affirmative determination of that firm's responsibility under Federal Procurement Regulations § 1-2.407 (1964 ed. amend. 139), and our Office does not review protests against affirmative determinations of responsibility unless either fraud on the part of the procuring official is alleged, 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. Neither exception is applicable here. Moreover, whether there will be actual compliance with the IFB's requirements is a matter of contract administration and is not for consideration by our Office. Crowe Rope Company, B-187092, August 18, 1976, 76-2 CPD 174.

The protest is dismissed.


Paul G. Dabbling
General Counsel