

7054

R. [unclear]  
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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20549

FILE: B-192031

DATE: July 19, 1978

MATTER OF: Virginia-Maryland Associates, Inc.

**DIGEST:**

1. Allegation that awardee is not capable of supplying products meeting MIL. SPEC. is not for consideration, since GAO no longer reviews affirmative determinations of responsibility unless there is showing of fraud or misapplication of definitive responsibility criteria.
2. Whether products supplied actually complied with MIL. SPEC. and, if they did not, whether they should be rejected and contracts terminated are matters of contract administration which is responsibility of procuring activity, not GAO.

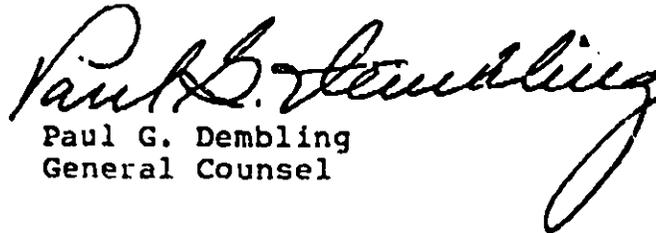
Virginia-Maryland Associates, Inc. (VMA), states that, under two previous contracts with the General Services Administration (GSA), G.F.C. Manufacturing Co. (GFC) failed to supply products meeting MIL. SPEC. MIL-L 28583(YD). This, VMA contends, proves that GFC is not capable of supplying compliant products.

According to VMA, GSA accepted GFC's noncompliant products instead of rejecting the items as required by the Federal Procurement Regulations, and in spite of GFC's failure to supply satisfactory products, GSA still considers GFC to be a qualified prospective contractor, which is unfair to other bidders.

With regard to the procurement of products meeting MIL. SPEC./MIL-L 28583(YD), such as invitation for bids FEHP-P4-5062-A-5-25-78, VMA requests that GFC be found nonresponsible. Moreover, its previous contracts should be canceled, and its products should be rejected. Compliant products should be repurchased from other qualified bidders.

VMA's contention that GFC cannot supply compliant products challenges any affirmative determination of responsibility. This matter will not be considered further, since we do not review affirmative determinations of responsibility, unless there is a showing of fraud or misapplication of definitive responsibility criteria. Neither exception is relevant here. Southern Methodist University, B-187737, April 27, 1977, 77-1 CPD 289. Further, whether the products supplied by GFC actually complied with MIL. SPEC. MIL-L 28583(YD) and, if they did not, whether they should be rejected and the contracts terminated are matters of contract administration, which is the responsibility of the procuring activity, not GAO. Ralph B. Black, Co.; The Gardner-Zemke Co., Inc., B-179831, February 4, 1974, 74-1 CPD 50; Maritime Supply Corporation, B-188915, August 30, 1977, 77-2 CPD 161; Virginia-Maryland Associates, B-191252, March 28, 1978, 78-1 CPD 238.

Accordingly, the protest is dismissed.

  
Paul G. Dembling  
General Counsel