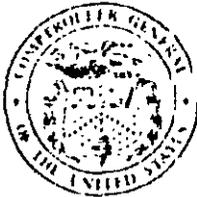


DECISION

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

D Ruppert
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FILE: B-192623

DATE: October 16, 1978

MATTER OF: Semco, Inc.

DIGEST:

GAO does not review affirmative determinations of responsibility by contracting officials except under circumstances not present here.

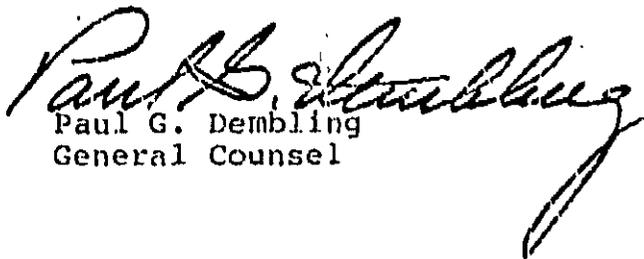
Semco, Inc. (Semco), protests the award of a contract to A. C. Inc., under invitation for bids (IFB) No. DAAH01-78-B-0448, issued by the United States Army Missile Materiel Readiness Command, Redstone Arsenal, Alabama. By letter of September 18, 1978, Semco contends that at the time of award, A. C. allegedly was delinquent on a contract for the same items being procured under the subject IFB. Semco states that its firm received a negative preaward survey because one of its proposed subcontractors had a poor performance record for the past 14 months and yet the Government made an award to A.C. notwithstanding A.C.'s poor performance record at a cost \$284,059 higher than Semco's low bid.

In Semco, Inc., B-192623, August 28, 1978, 78-2 CPD 147, our Office replied to Semco's earlier protest against the refusal of the Small Business Administration (SBA) to issue to it a certificate of competency (COC) in connection with the subject procurement. We stated in that decision that under 15 U.S.C. § 637 (b)(7) (1976), as amended by Pub. L. 95-89 effective August 4, 1977, the SBA has the authority to issue or decline to issue a COC and our Office does not review an SBA determination regarding the matter.

Semco's current protest regarding A.C.'s performance record concerns A.C.'s responsibility and the award to that firm necessarily involved an affirmative determination of that firm's responsibility. Our Office does not

review protests against affirmative determinations of responsibility unless either fraud on the part of the procuring officials is alleged, or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See E.I. duPont de Nemours & Company, B-191169, June 23, 1978, 78-1 CPD 458; Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64. Neither exception is applicable here.

Accordingly, the issues presented in this protest are also not properly for consideration by our Office.


Paul G. Dembling
General Counsel