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DECISION

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

FILE: B-193469

DATE: January 19, 1979

MATTER OF: Aerosonic Corporation

*[Determination as to Bidder's Capability to Meet Contract Requirements
is Matter of Contract Administration and
Not For Consideration Under Bid
Protest Procedures]*

DIGEST:

1. Determination of whether bidder is capable of meeting requirements of solicitation requires affirmative determination of responsibility, which our Office no longer reviews unless either fraud is shown on the part of procuring officials or solicitation contains definitive responsibility criteria which allegedly have not been applied.
2. Whether contractor is performing contract in compliance with contract requirements is matter of contract administration and not for consideration under GAO Bid Protest Procedures.

DLG 00672

Aerosonic Corporation (Aerosonic) protests the award of a contract to Waltham Watch Company (Waltham) under request for proposals (RFP) No. 40608-78-R-5128 by the Department of the Air Force.

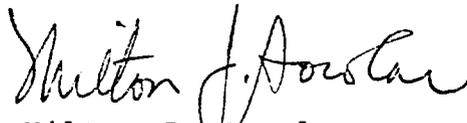
Aerosonic alleges that Waltham is incapable of meeting the requirements of the RFP--mainly that Waltham is financially shaky and cannot meet the delivery schedule. Whether a bidder can meet the requirements of a solicitation requires a determination of responsibility. This Office no longer reviews protests against affirmative determinations of responsibility, unless either fraud is shown on the part of the procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See, Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Oregon Wilbert Vault Corporation, B-191000, January 18, 1978, 78-1 CPD 49. In the present case there is no allegation that the responsibility determination resulted from either fraud or that definitive criteria have not been applied.

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Regarding the protester's suggestion that GAO check the actual contract performance to see if Waltham does deliver on schedule, it should be pointed out that whether the contractor is complying with the contract requirements is a matter of contract administration and not for consideration under our Bid Protest Procedures. See, Robert Burger Associates, Inc., B-188450, June 1, 1977, 77-1 CPD 378. It is the Air Force's responsibility to monitor the contract and to take the appropriate action if Waltham delivers late.

The protest is therefore dismissed.


Milton J. Socolar
General Counsel