

Protest

DECISION



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

10,016

FILE: B-194337

DATE: April 30, 1979

MATTER OF: Bata Shoe Company, Inc.

DLG 01476

DIGEST:

[Protest that awardee's performance under prior contracts has been unsatisfactory pertains to responsibility of awardee. GAO does not review affirmative determinations of responsibility absent exceptions not alleged here.]

The Bata Shoe Company, Inc. (Bata), protests the award of a contract by the Defense Logistics Agency to P.F. Industries, Inc. (PFI), for the purchase of footwear.

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In support of its protest, Bata cites five prior contracts awarded to PFI on which extensions of at least 60 days were granted at PFI's request. Bata feels that continued placement of contracts with PFI will result in extensive delays and eventual higher cost procurement.

Bata's protest pertains to the contracting officer's affirmative determination of PFI's responsibility, i.e., PFI's ability to perform in accordance with the specifications, rather than to the responsiveness of PFI's bid. This Office does not review affirmative determinations of responsibility unless fraud on the part of procuring officials is alleged or the solicitation contains definitive responsibility criteria which allegedly have not been applied. The R. H. Pines Corporation, B-192331, November 17, 1978, 78-2 CPD 351; Berlitz School of Languages, B-184296, November 28, 1975, 75-2 CPD 350; Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64. Bata has alleged neither exception.

Accordingly, the protest is dismissed.

Milton J. Socolar
General Counsel

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