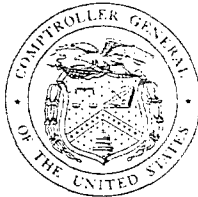


Tharep

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES

WASHINGTON, D.C. 20548

10,883

FILE: B-194922, B-194922.2

DATE: July, 30, 1979

MATTER OF: The Charles Lowe Company, representing
Tecnaval S.R.L.

DL6 62358

DL6 62357

DIGEST:

file Protest against *file* awardee's responsibility *was* is dismissed,
since GAO *does* will not review affirmative determinations
of responsibility except in circumstances not applicable
here.

DL6 02360 The Charles Lowe Company, representing Tecnaval S.R.L.
(Tecnaval), protests the award of a contract by the Naval Facili-
ties Engineering Command to La Meccanica Navale under solicitation
No. N62745-79-R-0064 for the operation and maintenance of Muse
generators in Naples, Italy.

DL6 02361


Paragraph C.8 of the solicitation required that an offeror's
proposal include a manning chart containing a personnel staffing
plan, and a phase-in plan describing in detail a schedule for
hiring, training, and full and complete manning of all operations.
The paragraph further provided that the contracting officer could
require the contractor to meet the staffing level shown in the
manning chart if performance fell below acceptable standards, and
that the contractor was in any event responsible for supplying
sufficient personnel to maintain satisfactory performance. Tec-
naval contends that notwithstanding any representations reflected
in the manning chart submitted by La Meccanica Navale, the awardee
in fact lacks the qualified personnel, as well as the adequate
facilities, to meet the contractual requirements.

The question of whether an offeror has the apparent ability
to perform in accordance with the requirements of a solicitation
involves the firm's responsibility. Defense Acquisition Regula-
tion (DAR) Section 1, part 9 (1976 ed.). Award of the contract
to La Meccanica Navale necessarily involved an affirmative de-
termination of responsibility, DAR § 2-407.2 (1976 ed.), and our
Office will not review a protest against such a determination
unless either fraud on the part of procuring officials is alleged,
or the solicitation contains definitive responsibility criteria
which allegedly have not been applied. Meyers Industries, Inc.,
B-192128, July 21, 1978, 78-2 CPD 60. Neither exception is
applicable here.

~~000003~~

Further, whether or not La Meccanica Navale in fact provides the staff and facilities necessary to perform in accordance with the contract requirements is a matter of contract administration, and also is not for our consideration.

The protest is dismissed.


Milton J. Socolar
General Counsel