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DECISION



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

FILE: B-195991

DATE: September 25, 1979

MATTER OF: Carsonville Metal Products Co.

DLC 02859

DIGEST:

[Protest questioning contracting officer's affirmative determination of responsibility] is not for consideration, since GAO does not review affirmative determinations of responsibility unless there is showing of fraud or misapplication of definitive responsibility criteria, which is not case here.

*This matter was
not considered
the protest is
dismissed.*
ABC 00020

The Department of the Army (Army) issued solicitation DAAE07-79-B-7925 for the procurement of drawbar assemblies. On August 29, 1979, the Army awarded a contract in the amount of \$14,680 to the low bidder. The protester, Carsonville Metal Products Co. (Carsonville) protests that the low bidder does not have the technical and financial ability to perform the contract. More specifically, Carsonville contends that the Army has recently terminated some of the low bidder's previous contracts for nonperformance. In effect, Carsonville challenges the contracting officer's affirmative determination of the low bidder's 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.

Accordingly, the protest is dismissed.

Milton J. Socolar
General Counsel

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