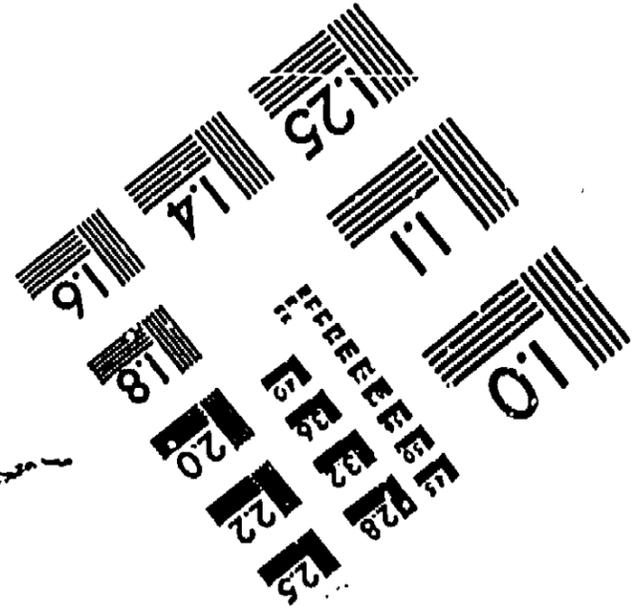
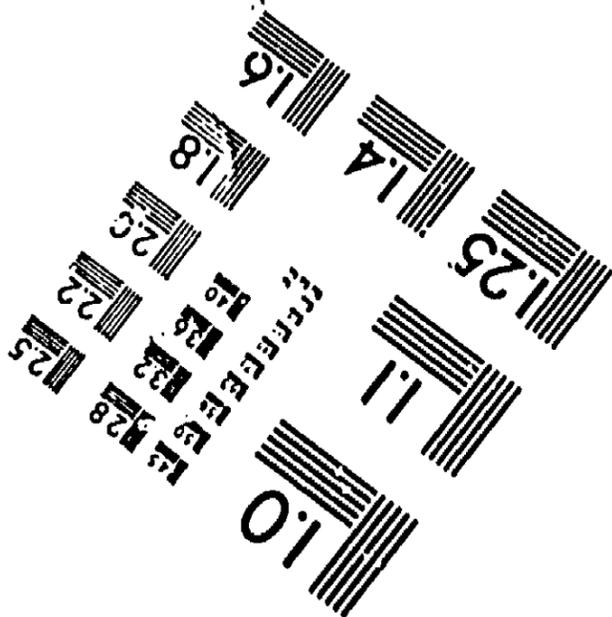
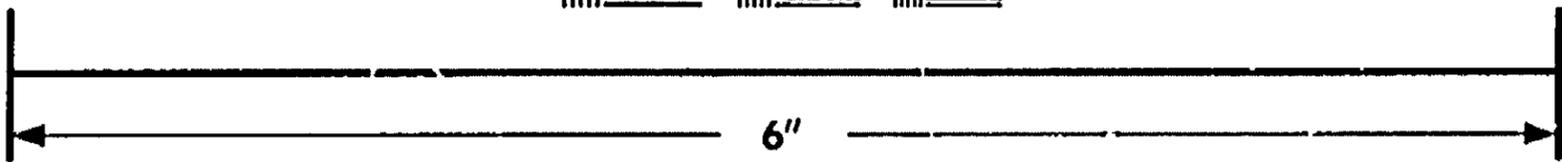
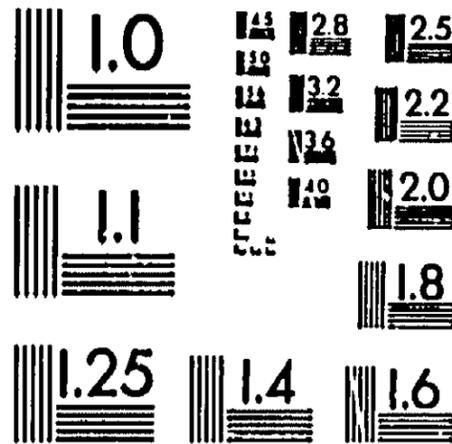


**IMAGE EVALUATION
TEST TARGET (MT-3)**



PHOTOGRAPHIC SCIENCES CORPORATION
770 BASKET ROAD
P.O. BOX 338
WEBSTER, NEW YORK 14580
(716) 265-1600



DECISION

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

Shipman
1/8/85

FILE: B-207512

DATE: June 2, 1982

MATTER OF: Jenkins Equipment Co., Inc.

DIGEST:

1. GAO will not review affirmative determination of responsibility except in limited circumstances.
2. No basis exists to preclude contract award merely because offeror may have submitted below-cost proposal.

Jenkins Equipment Co., Inc. (Jenkins), has protested the award of a contract to Danline, Inc. (Danline), under solicitation No. DLA700-82-R-2113 issued by the Defense Construction Supply Center, Columbus, Ohio, for a quantity of wire brushes.

Jenkins contends that Danline has allegedly furnished brushes of poor quality in the past, will furnish the same type of brushes under this contract and that Danline's price is so low that the company will not be able to fulfill the contract and remain in business.

All of the above allegations constitute a challenge to the contracting officer's affirmative determination of responsibility regarding Danline as evidenced by the making of award. This Office does not review a contracting officer's affirmative determination of responsibility absent a showing that the contracting officer acted fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation have not been met. J&R Cleaning and General Maintenance, B-206280, February 19, 1982, 82-1 CPD 147. Jenkins does not allege either exception here. Further, the submission of a below-cost bid or proposal is not a valid basis to challenge an award. Rather, the question of whether an offeror can perform at its

offered price also relates to the offeror's responsibility.
Condor Industries, Inc., B-203545, October 21, 1981,
81-2 CPD 326.

Finally, while Jenkins contends that the circumstances dictate that a certificate of competency (COC) be obtained on Danline, the Small Business Administration's COC procedures are only utilized when a small business has been found nonresponsible by the contracting officer, not, as here, where there has been an affirmative determination.

We dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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