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DECISION



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

FILE: B-207599

DATE: June 11, 1982

MATTER OF: Rome Iron Metals

DIGEST:

Protest that the low bidder cannot satisfactorily perform the contract is a question of responsibility, which is not reviewed by the General Accounting Office.

Rome Iron Metals protests the possible award of a contract to Pan Am Construction and Management Company, the low bidder, under invitation for bids No. DACA51-82-B-0047 issued by the Army for fencing at Fort Drum, New York.

The protester states that the low bidder does not have the expertise or experience in similar projects.

In our view, the low bidder's ability to perform the contract concerns the firm's responsibility as a prospective contractor. The contracting officer must make an affirmative responsibility determination before he can make the award. Defense Acquisition Regulation § 2-407.2 (1976 ed.). The General Accounting Office generally will not review a protest of an affirmative determination of responsibility, which is largely a business judgment, unless there is a showing of possible fraud or bad faith on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Fil-Coil Company, Inc., B-206777, March 29, 1982, 82-1 CPD 291. Neither has been alleged here.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel