

DECISION



119455 - MURKIN
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-208579

DATE: September 17, 1982

MATTER OF: MRS Manufacturing Company

DIGEST:

Protest against low bidder's responsibility is dismissed since GAO does not review affirmative determinations of responsibility except under circumstances not applicable here.

MRS Manufacturing Company (MRS) protests against any award of a contract to General Crane and Hoist, Inc. (GCH), the low bidder on invitation for bids No. M00027-81-B-0044 issued by the United States Marine Corps.

MRS contends that GCH is not a responsive/responsible bidder for several reasons, such as number of years in business, manufacturing capability, location, number of employees and net worth. According to MRS, GCH is just an administrative and financial conduit for two other firms which will actually perform the contract. MRS maintains that under the regulations, neither the financial standing nor manufacturing capabilities of these firms can be used to determine the responsibility of GCH since these firms are not joint venturers in its bid.

Although MRS characterizes the matter as relating to the responsiveness and responsibility of GCH, the allegations actually relate only to the company's responsibility. Responsiveness is the promise of the bidder to perform in accordance with the invitation; whereas, the qualifications and experience of bidders, as well as their ability to perform a particular contract, are matters of responsibility. See Patterson Pump Company, B-204694, March 24, 1982, 82-1 CPD 279.

Our Office, however, does not review protests against affirmative determinations of responsibility unless fraud is alleged on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Shufford Mills, Inc., B-206664, March 22, 1982, 82-1 CPD 270. MRS alleges neither of these exceptions.

Accordingly, the protest is dismissed.

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