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DECISION



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

FILE: B-211934

DATE: June 15, 1983

MATTER OF: Merchants Rent-A-Car, Inc.

DIGEST:

GAO does not review affirmative responsibility determination except in limited circumstances.

Merchants Rent-A-Car, Inc. (Merchants), protests an award of a contract to the Roan Corporation (Roan) under solicitation No. N62474-83-B-4394 issued by the Naval Facilities Engineering Command.

Merchants contends that Roan is unable to deliver vehicles as required by the solicitation's specifications.

We dismiss the protest.

Roan's ability to deliver vehicles as required by the specifications is a matter of responsibility which must be determined in the affirmative by the contracting officer prior to award. Capital Engineering and Manufacturing Company, B-209315, October 22, 1982, 82-2 CPD 365. Our Office does not review a protest against an 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. Bid Protest Procedures, 4 C.F.R. § 21.3(g)(4), added by 48 Fed. Reg. 1932 (1983); Domar Industries, B-209861, December 30, 1982, 82-2 CPD 589. Neither exception applies here. Accordingly, we will not consider Merchants' protest.

J. H. Barclay, Jr.
for Harry R. Van Cleve
Acting General Counsel