

**DECISION**

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

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FILE: B-212716

DATE: September 16, 1983

MATTER OF: Easco Tools, Inc.

**DIGEST:**

Protest contending a bidder is incapable of meeting solicitation requirement that hand tools be manufactured wholly in the United States is dismissed since it challenges agency's affirmative determination that bidder can meet the requirement and concerns a matter of responsibility. Affirmative determinations of responsibility are not subject to GAO review in the absence of showing of possible fraud or bad faith by procuring officials or that the solicitation contains definitive responsibility criteria which have allegedly been misapplied.

Easco Tools, Inc. protests the award of any contract to American Kal Enterprises, Inc. by the General Services Administration under solicitation No. FEN-FS-A0121-A-4-20-83. Easco contends that American Kal cannot manufacture the hand tools in conformance with the solicitation.

This protest is dismissed.

Easco first protested to GSA, contending that the tools offered by American Kal, contrary to the requirements of the solicitation, will not be manufactured wholly in the United States and that its bid samples had also not been made wholly in the United States. GSA denied the protest, stating that its Plant Facilities Survey indicated that all of the items to be supplied by American Kal will be wholly manufactured in the United States and that American Kal's bid samples had been manufactured in the United States by American Kal. Easco now protests to our Office, stating that GSA's determination must have been based on inaccurate or incomplete information and requests that we review this matter to determine if the facts support the agency's position.

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Easco does not suggest that American Kal's bid took any exceptions to the solicitation, including the provision requiring the tools to be wholly manufactured in the United States.

Easco's protest primarily challenges the ability of American Kal to manufacture and provide the required tools in conformance with the requirements of the solicitation and the determination of GSA that American Kal was responsible. GSA found that American Kal was responsible and that the bid samples were wholly manufactured in the United States as a result of a plant survey. In this respect, our Office does not review affirmative determinations of responsibility unless there is showing of fraud or bad faith on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have been misapplied. REDM Corporation, B-211197, April 21, 1983, 83-1 CPD 428. Easco has not alleged fraud or bad faith by the procuring officials, and we do not consider the requirement that the tools be wholly manufactured in the United States to be a definitive responsibility criterion.

Further, with respect to Easco's request that we review the GSA's determination, we point out that our Office does not conduct investigations in connection with its bid protest functions for the purpose of establishing the validity of a protester's assertions. American Indian Health Systems, Inc., B-206218, July 12, 1982, 82-2 CPD 38.

The protest is dismissed.

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