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DECISION



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

FILE: B-215136

DATE: June 5, 1984

MATTER OF: Surgical Instrument Company of America

DIGEST:

1. GAO does not review affirmative determinations of responsibility except in limited circumstances not present here.
2. Whether a contractor performs in accordance with all the terms and conditions of the contract is a matter of contract administration, which is the responsibility of the contracting agency, not GAO.

Surgical Instrument Company of America (SICOA) protests the award of a contract to Marbex, Inc. under invitation for bids (IFB) No. DLA120-84-B-0264 issued by the Defense Logistics Agency (DLA). SICOA alleges that Marbex falsely certified in its bid that it will supply steel from France, a qualifying alternate foreign source. We dismiss the protest.

DLA's acceptance of Marbex's bid resulted in a legal obligation on the part of Marbex to perform the resulting contract in full compliance with all of its terms and conditions. To the extent SICOA is alleging that Marbex cannot meet its obligation to furnish steel from a qualifying source, the allegation involves a matter of the awardee's responsibility; DLA, however, has determined the firm to be a responsible concern. This Office will not review an affirmative determination of responsibility, which is a prerequisite to any award, unless the protester shows possible fraud on the part of contracting officials or alleges that the solicitation contains definitive responsibility criteria which have been misapplied. James M. Smith, Inc., B-213063, Oct. 12, 1983, 83-2 CPD ¶ 459.

Additionally, whether Marbex will perform the contract in accordance with all of its terms is a matter of contract administration, which is the responsibility of the contracting agency and is not encompassed by our bid

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protest function. Surgical Instrument Company of America,
B-214918, May 22, 1984, 84-1 CPD ¶ ____.

The protest is dismissed.

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