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DECISION



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

FILE: B-215373

DATE: July 18, 1984

MATTER OF: Evergreen Helicopters, Inc.

DIGEST:

1. There is no legal basis to object to a contract award to a qualified, responsible foreign firm that submitted the best proposal in response to the solicitation.
2. Whether an awardee has the necessary licenses and operating authority to perform its contract involves a matter of responsibility which we will not review absent circumstances not present here.

Evergreen Helicopters, Inc. protests the Department of the Navy's award of a contract for aviation services to a Canadian company, Okanagan Helicopters, Ltd. under solicitation No. N00251-84-R-2005. The contract involves the recovery of certain military ordnance at a test range. Evergreen maintains that since there are domestic operators who can perform the services, it is not in the government's or the taxpayers' best interests to make an award to a foreign firm. In this respect, the protester asserts that Canadian law prohibits American operators from competing for prime contracts with the Canadian government. Evergreen also complains that Okanagan does not have the licenses and operating authority needed to perform the contract.

We dismiss the protest.

Even if Evergreen is correct about Canadian law, we are not aware of any federal law that would authorize the Navy to exclude, or would prevent, a foreign firm from competing for the subject contract. Thus, there would be no legal basis for objecting to the award to a qualified, responsible foreign offeror that submitted the best proposal. See Dawson Construction Company, Inc., B-214070, Feb. 8, 1984, 84-1 CPD ¶ 160.

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Further, whether Okanagan has the necessary licenses and operating authority involves the firm's responsibility, that is, capability to meet the contractual obligations. See WMP Security Service, Co., B-214621, March 28, 1984, 84-1 CPD ¶ 366. The Navy found Okanagan to be responsible, and informs us that this finding was preceded by the firm's securing of the necessary licenses. Our Office will not review an affirmative determination of responsibility absent an allegation of possible fraud or bad faith, or a showing that definitive responsibility criteria were not applied. Id. The protester does not allege that either exception is involved here.

The protest is dismissed.

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