

**DECISION**



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

*Jergel  
92-II*

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**FILE:** B-216440

**DATE:** September 24, 1984

**MATTER OF:** Northern Arizona Gas Service, Inc.

**DIGEST:**

GAO does not review an affirmative determination of responsibility absent a showing of possible fraud or bad faith or misapplication of definitive criteria against which responsibility is to be determined.

Northern Arizona Gas Service, Inc. protests the possible award of contracts to other bidders by the Bureau of Indian Affairs under solicitation No. N00-84-40. The protester alleges that these other bidders should be found nonresponsible because of their previous performance records in connection with Buy Indian preferences.

We will not consider the protest. Determinations of responsibility reflect the subjective business judgment of contracting officials, and for that reason we do not consider protests of a determination that a bidder is responsible unless there is a showing of possible fraud or bad faith on the part of contracting officials or that contracting officials failed to apply definitive criteria contained in the solicitation against which responsibility was to be determined. The Raymond Corp., B-215282, May 29, 1984, 84-1 CPD ¶ 583. Neither exception applies here.

The protest is dismissed.

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

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