

DECISION



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

FILE: B-217041

DATE: November 26, 1984

MATTER OF: Pan Am Aero, Inc.

DIGEST:

1. GAO does not review affirmative determinations of responsibility except in limited circumstances.
2. Matters of contract administration are not within the purview of GAO's Bid Protest Procedures.

Pan Am Aero, Inc. (Pan Am), protests the award of a contract to Constructora San Pancraccio (Constructora) under solicitation No. DAKF71-84R-0088, issued by the Department of the Army for bids to cut grass on the Army base in the Panama Canal Zone. Constructora and Pan Am were each awarded a contract to cut the grass on one-half of the base. Pan Am protests that Constructora should not have been awarded the contract because Constructora is not qualified or reliable and will not fulfill the terms of the contract, including furnishing a performance bond.

Pan Am's protest that Constructora is not qualified or reliable concerns Constructora's responsibility, that is, the firm's apparent ability to fulfill its obligations if awarded the contract. See General Instrument Corporation Lamp Division, B-205261 et al., Mar. 1, 1982, 82-1 C.P.D. ¶ 177; Warfield & Sanford, Inc., B-206929, Apr. 20, 1982, 82-1 C.P.D. ¶ 365. The award of a contract necessarily includes the contracting officer's determination that the awardee is responsible, and this Office will not review such an affirmative finding of responsibility absent circumstances not relevant here. Warfield & Sanford, Inc., B-206929, supra.

This Office also will not review Pan Am's allegation that Constructora will not fulfill the terms of its contract with the Army. This allegation concerns a matter of contract administration, and it is the function of the procuring activity, not the General Accounting Office, to administer the contract to obtain the purchased performance. Young Patrol Service, B-204198, May 5, 1982, 82-1 C.P.D. ¶ 422.

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The protest is dismissed.

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