

DECISION



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

FILE: B-217360

DATE: December 24, 1984

MATTER OF: Watauga Apparel Corporation

DIGEST:

GAO does not review a contracting officer's affirmative determination of responsibility absent a showing of possible fraud or bad faith on the part of contracting officials or that the solicitation contained definitive responsibility criteria that were not applied.

Watauga Apparel Corporation protests the award of a contract to Statham Garment Co. (Statham), the low bidder, under invitation for bids No. DLA100-85-B-0016 issued by the Defense Logistics Agency. Watauga, the second low bidder, argues that Statham should be disqualified as nonresponsible based on allegedly poor performance under prior contracts.

Any award to Statham must be preceded by a finding that the firm is responsible. Our Office does not review a contracting officer's affirmative determination of responsibility absent a showing that it was made fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(g)(4) (1984). Watauga does not allege that either exception would apply here.

The protest therefore is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel