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DECISION



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

FILE: B-217401

DATE: January 24, 1985

MATTER OF: The City of El Paso

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 the contracting officer, or of misapplication of definitive responsibility criteria, neither of which is present in this case.

The City of El Paso (El Paso) protests the award of a contract for into-plane supplies and services at El Paso International Airport to International Business Associates (IBA) under solicitation No. DLA600-84-R-0123 issued by the Defense Logistics Agency (DLA). El Paso asserts that IBA is not responsible and, therefore, award should be made to El Paso as the lowest responsible bidder.

El Paso asserts that DLA should have found IBA nonresponsible because IBA lacked the ability to perform the contract requirements. In particular, El Paso contends that, as El Paso had informed DLA, IBA had been denied its request to El Paso to lease the fuel farm system of the city's municipal airport, which lease El Paso asserts is necessary in order for IBA to be able to perform the contract in question.

As El Paso recognizes, by awarding the contract to IBA, the DLA contracting officer has made an affirmative determination of responsibility. Because responsibility determinations are largely matters of sound business judgment and by their nature are very subjective, our Office does not review affirmative determinations of a prospective contractor's responsibility absent a showing of possible fraud or bad faith on the part of contracting officials, or an allegation of misapplication of definitive responsibility criteria that were contained in the solicitation. Linden-Lorenz Rigging Co., Inc., B-216486, Sept. 28, 1984, 84-2 C.P.D. ¶ 372. Neither of these bases for our review is present in this case.

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We dismiss the protest.

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