

DECISION

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

FILE: B-223299

DATE: June 13, 1986

MATTER OF: Macho Tire Company

DIGEST:

General Accounting Office will not review a challenge to a contracting agency's affirmative responsibility determination where there is no allegation or showing that the contracting officials acted fraudulently or in bad faith or that the solicitation contained definitive responsibility criteria that have not been met.

Macho Tire Company (Macho) protests the award of a contract to Can-Am under invitation for bids (IFB) No. M00027-86-B-0010, issued by the Headquarters, U.S. Marine Corps, for super single radial tire retrofit kits. Macho contends that Can-Am will not be able to provide an item from the solicitation's approved source of supply, because the approved source has not provided a quotation to Can-Am.

We dismiss the protest.

Macho's assertion that Can-Am cannot comply with the requirements of the solicitation is a challenge to Can-Am's capacity to satisfy the terms of the contract and thus is a protest against the affirmative determination of responsibility that the contracting officer must make before any contract is awarded. Our Office will not review a protest of an affirmative determination of responsibility unless there is a showing of possible fraud or bad faith on the part of contracting officials or the solicitation contains definitive responsibility criteria that have not been met. Fraser-Volpe Corp., B-217043, Nov. 26, 1984, 84-2 C.P.D. ¶ 572; 4 C.F.R. § 21.3(f)(5) (1985). Neither showing has been made here.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "R. Strong".

Robert M. Strong
Deputy Associate General Counsel

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