



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Communication Service Company, Inc.
File: B-233188
Date: November 8, 1988

DIGEST

Protester's allegation that awardee does not have the financial resources, the necessary equipment and facilities, satisfactory performance record, and integrity to perform a contract is a challenge to contracting officer's affirmative determination of responsibility and will not be considered where there is no showing of possible fraud or bad faith by procurement officials or a failure to apply definitive responsibility criteria.

DECISION

Communication Service Company, Inc. protests the award of a contract to Comm Tech under request for quotations (RFQ) No. DAKF23-88-Q-0059, issued by the Department of the Army. The protester alleges that Comm Tech may have been allowed to submit its quotation after the stated deadline for receipt of quotations and also questions, on various grounds, the ability of the firm to successfully perform the contract.

We dismiss the protest.

In its protest, Communication Service alleges that Comm Tech may have submitted a late quotation to the agency. The Army has informed our Office that it received the quotation from Comm Tech before the close of business on September 22, which the Army states was the closing date for submission of quotations. Thus, the protester's speculation as to the possible late receipt of Comm Tech's quotation is inaccurate and consequently provides no basis for protest.

Next, Communication Service alleges that Comm Tech does not have the financial resources, the necessary equipment and facilities, and the performance record to perform the

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contract. The protester also asserts that one of its former employees provided Comm Tech with proprietary information that Comm Tech used in preparing its quotation, which should have rendered the firm nonresponsible for lack of integrity.

A protest questioning an awardee's ability to satisfactorily perform the contract is a challenge to the contracting officer's affirmative determination--implicit in his award of a contract--that the firm is a responsible contractor. Waukesha Alaska Corp.; VECO Inc., B-229918; B-229918.2, Apr. 27, 1988, 88-1 CPD ¶ 412; Bruce Industries, Inc., B-228504, Oct. 27, 1987, 87-2 CPD ¶ 406. Similarly, a firm's general integrity is also a responsibility matter. ALM, Inc., B-225679.3, May 8, 1987, 87-1 CPD ¶ 493. Our Office will not review a contracting officer's affirmative determination of a firm's responsibility unless there is a showing of possible fraud or bad faith by procurement officials or a failure to apply definitive responsibility criteria. 4 C.F.R. § 21.3(m)(5). We do not believe, and Communication Service does not allege, that either exception applies in this case.

The protest does not state a valid basis for protest. Therefore, pursuant to 4 C.F.R. § 21.3(m) (1988), it is dismissed.



Ronald Berger
Associate General Counsel