

Shelton



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: The Forestry Association, Inc.
File: B-237087
Date: October 5, 1989

DIGEST

Protest that contracting officer's affirmative determination of awardee's responsibility was made in bad faith is dismissed where the protester fails to allege facts that reasonably indicate the government actions complained of were improperly motivated.

DECISION

The Forestry Association, Inc. (TFA), protests the Forest Service's award of contract to SWCA under solicitation No. RFQ-R3-12-12-89, issued by the Tonto National Forest in Phoenix, Arizona. TFA contends that the contracting officer awarded the contract without having sufficiently substantiated the awardee's personnel qualifications.

We dismiss the protest.

TFA alleges that the awardee lacks experience in performing the type of work required under the contract and that it suspects the firm of employing an insufficient staff to meet the minimum personnel qualification requirement. The protester notes that the awardee has certified that its personnel meet the minimum qualifications, but argues that the contracting officer should require submission of the qualifications of individual personnel rather than accepting the awardee's blanket statement. TFA contends that the contracting officer acted in bad faith when he failed to complete a more thorough inquiry into the qualifications of the awardee's personnel.

Whether a bidder has the apparent ability and capacity to perform under a contract is a question of the firm's responsibility. Montgomery Elevator Co., B-220655, Jan. 28, 1986, 86-1 CPD ¶ 98.

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Under our Bid Protest Regulations, we will not review a contracting officer's affirmative responsibility determination absent a showing of possible fraud or bad faith, or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(m)(5) (1989). To meet this standard, we require that the protester allege facts that reasonably indicate that the government actions complained of were improperly motivated. See Vanguard Indus., Inc., B-233490.2, Dec. 21, 1988, 88-2 CPD ¶ 615.

Here, TFA alleges no such facts. The protester indicates that the contracting officer inquired as to the awardee's staff qualifications and obtained the awardee's certification as to the qualifications of its personnel to perform the work. We do not think the contracting officer was required to do more in view of the protester's unsupported contentions concerning the awardee's qualifications. We therefore find that the protest falls short of alleging facts which reasonably indicate the contracting officer's affirmative determination of responsibility was improperly motivated.

The protest is dismissed.



Ronald Berger
Associate General Counsel