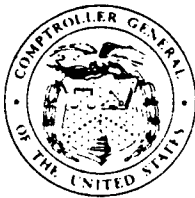


**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

58785

97192

FILE: B-184044

DATE: June 16, 1975

MATTER OF: Burgess Brothers Inc.

**DIGEST:**

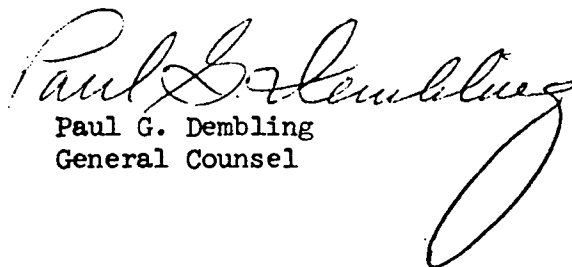
Allegation that contractor to whom award was made is nonresponsible because of inadequate past performance will not be considered by GAO, since practice of reviewing bid protests involving contracting officer's affirmative determination of responsibility has been discontinued absent showing of fraud.

Burgess Brothers Inc. (Burgess) protested the award of a contract made to Fourdee Inc. (Fourdee) under invitation for bids No. N00024-75-B-6037, issued by the Naval Sea Systems Command.

It appears that the basis for the protest is that Fourdee is nonresponsible because of alleged inadequate prior contract performance.

Our Office has discontinued the practice of reviewing bid protests involving a contracting officer's affirmative determination of responsibility of a contractor. The determination of responsibility is largely within the discretion of the procurement officials who must bear any difficulties experienced by reason of a contractor's nonresponsibility. If the contracting officer finds the contractor responsible, we do not believe the finding should be disturbed absent fraud. Sanders Associates, Inc., B-183019, January 27, 1975.

Accordingly, we will not consider the Burgess protest on the merits.

  
Paul G. Dembling  
General Counsel