DECISION

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

FILE: B-187408   DATE: November 1, 1976

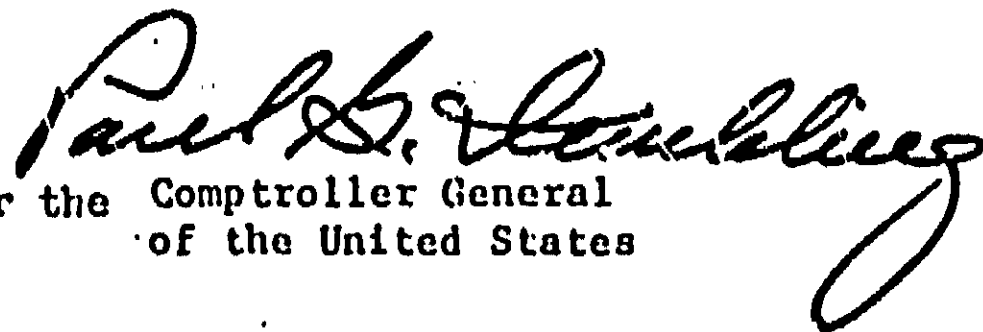MATTER OF: Keco Industries, Inc.—Request for Reconsideration

DIGEST:

- Dismissal of protest concerning contracting officer's affirmative determination of responsibility as inappropriate matter for consideration by GAO is affirmed upon reconsideration because protester neither has shown that matter comes within exception to rule dismissing such protests nor convincingly argues against established policy dismissing such protests.

By letter of October 14, 1976, Keco Industries, Inc. (Keco) requested reconsideration of our dismissal in B-187408, October 5, 1976, which declined consideration of Keco's protest of the proposed award of a contract to Ferro Mechanical Corporation (Ferro) under solicitation No. DSA-400-76-B-3476 issued by the Defense General Supply Center, Richmond, Virginia.

The basis for Keco's protest was that Ferro and its subcontractors did not have the experience, facilities, or financial resources to perform the contract. Our dismissal stated that these alleged deficiencies are factors which contracting officers consider in determining the responsibility of contractors, and that such determinations are not reviewed by our Office, absent a showing of fraud on the part of contracting officials or of the failure to apply definitive responsibility criteria stated in the solicitation.

Our decisions are subject to reconsideration if a material mistake of fact or law is alleged and proven. See Jack E. Wells, B-169490, February 2, 1976. Keco's request for reconsideration, however, essentially restates the grounds upon which its initial protest was based, without presenting evidence that the matter comes within the exceptions stated above. Moreover, Keco has presented no convincing basis for questioning our established policy of dismissing such protests.

Accordingly, our dismissal of October 5, 1976, is affirmed.

for the Comptroller General
of the United States

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