

DECISION



PLC6
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548
10,593

FILE:

B-195057

DATE: June 27, 1979

MATTER OF:

DL601943
Medical Devices of Fall River, Inc.

DIGEST:

[Protest Against Affirmative Determination of Responsibility of Awardee Firm]

Protester's challenge of affirmative determination of responsibility of another bidder because of its failure to perform prior contract in accordance with specification requirements, is not for review by GAO absent circumstances not present here.

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Medical Devices of Fall River, Inc. (Medical Devices), protests the General Services Administration's (GSA) consideration for award of any offer submitted by Surgical Instrument Company of America (SICA) under solicitation No. FPZ-TC-206-N-5-16-79.

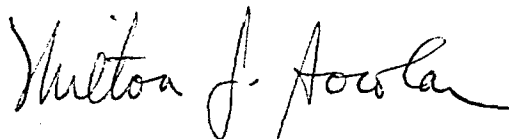
Medical Devices contends that any offer submitted by SICA should not be considered for award because it failed to perform a prior contract in accordance with the requirements of the specification.

Any consideration and possible award to SICA involves an affirmative determination of that firm's responsibility. Medical Devices' protest challenges any such determination. However, our Office no longer reviews protests which question affirmative determinations of responsibility unless either fraud on the part of the procuring official is alleged or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Associated Electronics, Inc., B-193859, March 29, 1979, 79-1 CPD 218. Neither exception is present here.

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Therefore, the protest is dismissed.

We note that the question of SICA's responsibility has been referred by the protester to the contracting officer.

A handwritten signature in cursive script, reading "Milton J. Socolar". The signature is written in dark ink and is positioned above the printed name and title.

Milton J. Socolar
General Counsel