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DECISION



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

FILE: B-206513.2

DATE: May 18, 1982

MATTER OF: Beacon Winch Company

DIGEST:

Protest challenging responsibility of awardee is dismissed because GAO does not review affirmative determinations of responsibility except in circumstances not applicable here.

Beacon Winch Company protests the award of a contract to Teppert Tool & Engineering under Invitation for Bids No. DAAE07-82-B-A022 issued by the Department of the Army. The contract is for the manufacture and delivery of 72 winches. We dismiss the protest.

Beacon maintains that Teppert does not satisfy the minimum responsibility standards set forth in Defense Acquisition Regulation § 1-903.1 (1975 ed.). Beacon contends that Teppert recently was found by the Army to be nonresponsible and failed to file for a Certificate of Competency from the Small Business Administration. Beacon further asserts that the Army failed to conduct a preaward survey of Teppert prior to making an award and that under these circumstances the Army's decision that Teppert is responsible is tantamount to fraud.

Our Office does not review affirmative determinations of responsibility unless there is a showing of possible fraud on the part of the procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Astrocom Electronics, Incorporated, B-203377.3, June 30, 1981, 81-1 CPD 546. It is not enough for a protester to merely allege that the actions of the procuring officials are tantamount to fraud. Rather, the

protester must submit evidence establishing a prima facie case of fraud or of such willful disregard of the facts or such misconduct as to be tantamount to fraud on the part of the contracting officials. Policy Research, Inc., B-200386, March 5, 1981, 81-1 CPD 172.

Here, Beacon has not submitted any evidence which would support a finding of possible fraud, but instead has merely characterized the Army's actions as being tantamount to fraud. Furthermore, even if it is true that the Army failed to conduct a preaward survey of Teppert, this would not provide a basis for finding possible fraud since there is no requirement that a preaward survey be conducted in every case. Ikard Manufacturing Company, B-190104, September 30, 1977, 77-2 CPD 251. Accordingly, Beacon's protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel