

John P. [unclear]
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DECISION



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

FILE: B-200176

DATE: July 19, 1982

MATTER OF: McCotter Motors, Inc.

DIGEST:

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

McCotter Motors, Inc. (McCotter) protests the proposed award of a contract to Chrysler Corporation under RFP No. DLA 700-82-R-0402 issued by the Defense Logistics Agency.

The protester contends that Chrysler should be considered ineligible for award of any contract because it has not performed responsibly under identical government contracts. McCotter contends that Chrysler is unable to timely and effectively perform its contracts.

Chrysler's ability to perform the contract concerns the firm's responsibility as a prospective contractor. The contracting officer must make an affirmative determination of responsibility before he can make the award. Defense Acquisition Regulation § 2-407.2 (1976 ed.). The General Accounting Office will not review a protest of affirmative determination of responsibility, which is largely a business judgment, unless there is a showing of fraud or bad faith on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Cochran Airport Systems, B-207632, June 7, 1982, 82-1 CPD _____. Neither exception applies here.

Therefore, the protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel