

**DECISION**

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

**FILE:** B-209435, B-209435.2 **DATE:** October 21, 1982

**MATTER OF:** Energy Transportation Corporation;  
Bay Shipbuilding Corporation

**DIGEST:**

Protest of contracting agency's affirmative determination of responsibility is dismissed since GAO does not review such determinations except for reasons not present here.

Energy Transportation Corporation and Bay Shipbuilding Corporation protest the award of a contract to Ocean Carriers, Inc. under solicitation RFP No. N00033-82-R-7002 issued by the Military Sealift Command, Department of the Navy. The protesters complain that for various reasons Ocean Carriers cannot perform the contract.

Ocean Carriers' ability to perform the contract concerns the firm's responsibility as a prospective contractor. Defense Acquisition Regulation § 2-407.2 (1976 ed.). The General Accounting Office generally will not review a protest of an affirmative determination of responsibility, which is largely a business judgment, unless there is a showing of possible fraud or bad faith on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Acco Industries, Inc., B-205881.2, February 3, 1982, 82-1 CPD 80. Neither exception applies here.

The protests are dismissed.

*Harry R. Van Cleve*  
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Acting General Counsel