

DECISION



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

FILE: B-215622

DATE: July 3, 1984

MATTER OF: Envirotronics, Inc.

DIGEST:

1. The term "other factors" in the typical award provision of an invitation for bids refers only to objectively determinable elements of cost that are identified in the solicitation as factors to be evaluated in the selection of a contractor, and not factors that relate to a prospective contractor's responsibility.
2. GAO will not review an agency's affirmative determination of responsibility absent a showing that such determination was made fraudulently or in bad faith or that definitive responsibility criteria in the solicitation were not met.

Envirotronics, Inc., protests the award of a contract to Hanson Industrial Products under invitation for bids (IFB) No. DAAA 09-83-B-5142, issued by the Department of the Army. We dismiss the protest.

As its bases for protest, Envirotronics contends that Hanson lacks the necessary financial resources to perform the contract. The protester also notes that the award provision in the IFB and in the Defense Acquisition Regulation provides that award will be made to the bidder whose bid is most advantageous to the government, price and other factors considered. Envirotronics contends that such "other factors" as Hanson's past experience, its limited plant capacity, its lack of the necessary personnel and its late deliveries on other government contracts preclude award to that firm.

B-215622

All of the factors related above concern the awardee's ability or capacity to perform, that is, that firm's responsibility. The term "other factors" in the context of a formally advertised procurement concerns only objectively determinable elements of cost, such as shipping costs, that are identified in the IFB as factors to be evaluated in the selection of a contractor. Emerson Electric Company, Environmental Products Division, B-209272, Dec. 4, 1982, 82-2 CPD ¶ 409. This Office does not review a contracting agency's affirmative determination of a prospective contractor's responsibility absent a showing that such determination may have been made fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(g)(4) (1984). There has been no such showing here.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel