

DECISION



29531
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-216659

DATE: October 15, 1984

MATTER OF: Fluid Systems Division, UOP Inc.

DIGEST:

Assertion that a competitor cannot meet the specifications or the delivery schedules is a challenge to a determination that the competitor is responsible. GAO does not review such determinations except in circumstances not present here.

Fluid Systems Division, UOP Inc., protests award of a contract to another company under request for proposals No. DAAJ10-84-R-046 issued by the Department of the Army. Fluid states that it is the only company that can meet the specifications and the delivery schedules.

The protest represents a challenge to the responsibility of the awardee. Responsibility determinations reflect the subjective business judgment of contracting officials, and for that reason we do not consider protests against an affirmative responsibility determination unless there is a showing of possible fraud or bad faith on the part of contracting officials or of a possible failure of contracting officials to properly apply definitive criteria contained in the solicitation against which responsibility was to be determined. The Raymond Corp., B-215282, May 29, 1984, 84-1 CPD ¶ 583. Neither exception applies here.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
General Counsel

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