

# DECISION



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

**FILE:** B-220743 **DATE:** October 18, 1985  
**MATTER OF:** Denver X-Ray Instruments, Inc.  
**DIGEST:**

GAO does not review an agency's affirmative determination of responsibility in the absence of a showing of possible fraud or bad faith, or that the definitive responsibility criteria of the solicitation were not met.

Denver X-Ray Instruments, Inc., protests the award to Technology for Energy Corporation under request for proposals No. F42650-85-R-3415, issued by the Ogden Air Logistics Center, Hill Air Force Base, Utah.

We dismiss the protest without awaiting a report from the Air Force, since it is clear from the protest that it is without legal merit and, therefore, of the type we have dismissed pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(f)(5) (1985). See John C. Grimberg Co., Inc., B-218231, March 12, 1985, 85-1 CPD ¶ 305.

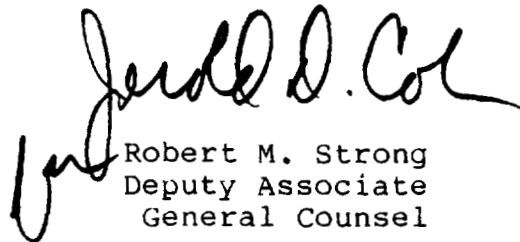
The protester states that it was one of the two offerors to respond to the solicitation and alleges that its competitor is unable to perform the contract unless, the protester speculates, the specifications were changed without notice to it. In the absence of any showing by the protester that the specifications were, in fact, changed, we regard its allegation as a challenge to the contracting officer's affirmative determination of its competitor's responsibility. Our Office will not review that determination absent a showing of possible fraud on the part of contracting officials or an allegation that definitive responsibility criteria in the solicitation have not been met. Tudor Inns of America, B-218944, June 11, 1985, 85-1 CPD ¶ 671.

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Since the protester alleges neither of these exceptions, the protest is dismissed.



Robert M. Strong  
Deputy Associate  
General Counsel