



Comptroller General  
of the United States  
Washington, D.C. 20548

# Decision

**Matter of:** Norcom Electronics Corporation  
**File:** B-257189  
**Date:** May 9, 1994

## DECISION

Norcom Electronics Corporation protests the award of a contract by the Department of Transportation under solicitation No. DTCG23-93-B-HM036, a small business set-aside. Norcom speculates that the item being supplied by the awardee, Ideal Electronic Security, is produced by a large business.

We dismiss the protest.

Norcom does not state that the awardee's bid did not obligate the firm to furnish products produced by a small business. Rather, Norcom only asserts its belief "that the product which is being supplied is a product produced by a large business," but that it does not "have the bid documents" of the awardee and therefore "cannot confirm specifics." This is essentially a challenge to the awardee's ability to perform the contract as required.

A determination that a bidder or offeror is capable of performing a contract is based, in large measure, on subjective judgments which generally are not susceptible to reasoned review. Thus, an agency's affirmative determination of a contractor's responsibility will not be reviewed by our Office absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. 4 C.F.R. § 21.3(m)(5); King-Fisher Co., B-236687.2, Feb. 12, 1990, 90-1 CPD ¶ 177. Where, as here, there is no showing of possible fraud or bad faith, or that definitive responsibility criteria have been misapplied, we have no basis to review the protest.

John M. Melody  
Acting Associate General Counsel