



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Cormier Textile Products, Inc.

File: B-260744

Date: March 24, 1995

DECISION

Cormier Textile Products, Inc. protests the Agency for International Development's (AID) consideration of the bid submitted by Protective Plastics, Inc., the apparent low bidder, under invitation for bids No. OP-A-AOT-95-P-001. Cormier alleges that Protective Plastics does not meet the plastic sheeting specification requirement in the solicitation.

AID advises our Office that it is evaluating bids and no contract award has yet been made. That being so, we would normally view the matter as premature. However, Cormier has provided a detailed basis for its protest alleging that Protective Plastics is not a responsible contractor. We therefore dismiss the protest because a challenge to the proposed awardee's ability to perform the contract is generally not reviewed by our Office.

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.

The protest is dismissed.

Michael Golden

Michael Golden

Acting Associate General Counsel