

DECISION



DIGEST - L-Cont THE COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548 736
79-2 CPD 299

FILE: B-196383

DATE: October 26, 1979

MATTER OF: General Electric Company

DIGEST:

Protest which questions contractor's responsibility is dismissed as GAO does not review affirmative determinations of responsibility except under circumstances not applicable to case.

The General Electric Company (GE) protests award of contract No. DAA09-79-C-2103 to the Fraser Volpe Company (FVC) by the Department of the Army.

GE contends that the Army abused its discretion in awarding the contract to FVC because FVC "was dependent for its own performance upon a subcontractor which was in default of its own delivery obligations to the same procuring activity" under another contract. GE thus questions FVC's "ability" or "capacity" to perform the contract's requirements, i.e., FVC's responsibility. J. Baranello and Sons, 58 Comp. Gen. 509 (1979), 79-1 CPD 322.

This Office does not review affirmative determinations of responsibility unless fraud is alleged on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Harvard Interior Manufacturing Company, B-192049, July 18, 1978, 78-2 CPD 46. There is no allegation of fraud in this case, nor is there any suggestion that the solicitation contained definitive responsibility criteria which have not been applied. Hence the protest is not for consideration by this Office.

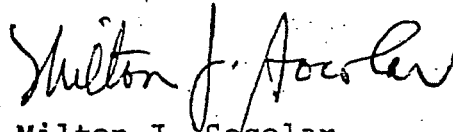
Since it is clear from the protester's submission that the protest is not for consideration, we will dismiss the matter without obtaining a report

B-196383

2

from the procuring agency. See Nicolet Technology Corp., B-192895, September 28, 1978, 78-2 CPD 244.

The protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel