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**Office of the General Counsel**

B-231958.2

August 5, 1988

The Honorable Norman Sisisky  
Member, United States House of Representatives  
Virginia First Savings and Loan Building  
Franklin and Adams Streets, Suite 607  
Petersburg, Virginia 23803

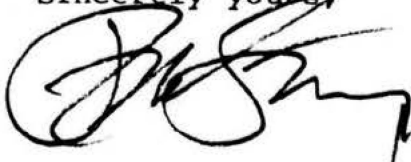
Dear Mr. Sisisky:

We refer to your letter of July 8, 1988, concerning the protest of your constituent, A&C Enterprises, against the Department of the Army's award of a contract to Teltara, Inc., under solicitation number DABT59-88-R-0028. A&C contended that the contract could not be performed at the price and by the number of employees proposed by Teltara.

The Army, in its report responding to the protest, reported that Teltara verified its bid price, and that the contracting officer, after analyzing all available data, determined that Teltara was a responsible bidder. Teltara's ability to perform at its offered price with its proposed personnel is a matter of responsibility. Our Office will not review protests of affirmative determinations of responsibility absent a showing of possible bad faith or fraud on the part of the procuring officials or that definitive responsibility criteria set out in the solicitation may not have been met. Bid Protest Regulations, 4 C.F.R. § 21.3(f)(5) (1988); AJK Molded Products, Inc., B-229619, Feb. 1, 1988, 88-1 CPD ¶ 96. Since A&C alleged neither exception in this case, we dismissed its protest on July 12, 1988.

We trust that this information will be useful to you.

Sincerely yours,



Robert M. Strong  
Deputy Associate  
General Counsel