

7032
DECISION



J. H. Carter, PL-I
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-192049

DATE: July 18, 1978

MATTER OF: Harvard Interior Manufacturing Company

DIGEST:

Allegations of inability of low bidder to perform contract because of failure to obtain preproduction sample approval and delivery problems on other contracts pertain to bidder's responsibility. Since GAO no longer reviews affirmative determinations of responsibility, absent exceptions not alleged here, protest is dismissed.

The Harvard Interior Manufacturing Company (Harvard) protests the impending award of a contract to the Baker Manufacturing Company (Baker) under solicitation No. FEHP-P-2-5038-A-19-78 issued by the Federal Supply Service, General Services Administration.

Harvard contends that Baker is nonresponsible because of Baker's alleged failure to obtain approval of preproduction samples of the line of furniture being purchased under an existing contract which Baker obtained through a novation and suggests that Baker is experiencing delivery difficulties under other Government contracts. Harvard contends that it is not in the Government's interest to award the contract to Baker and that the contract should be awarded to Harvard as the second low bidder.

Questions concerning a bidder's capability of performing a contract pertain to the bidder's responsibility. This Office no longer reviews 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. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Aetna Ambulance Service, Inc.; G&L Ambulance Service, B-190187, March 31, 1978, 78-1 CPD 258. Neither exception has been alleged here.

Accordingly, the protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel