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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-197176 DATE: January 11, 1980
MATTER OF: Alexandria Packaging, Inc.

DIGEST:

ALLEGATION

Protest based on contention that low bidder is not qualified to perform contract involves agency's affirmative determination of bidder responsibility. This matter is not reviewed by GAO except in certain instances not indicated here and, therefore, protest is dismissed.

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Alexandria Packaging, Inc. protests the award of a contract to the lowest bidder, Allied Container, under solicitation No. S.T. 867000501, issued by the Department of State.

The protester alleges that Allied Container is not qualified and does not have the equipment needed to perform the work called for by the contract.

These allegations involve the question of Allied's responsibility. We do not review protests of affirmative determinations of responsibility which are based largely on judgments upon the discretion of the procuring officials who will endure the consequences of a contractor's inability to perform, unless fraud is alleged on the part of the contracting officer or the solicitation contains definitive responsibility criteria which allegedly have not been warranted. See Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Data Test Corporation, 54 Comp. Gen. 499 (1974), 74-2 365, affirmed 54 Comp. Gen. 715 (1975), 75-1 CPD 138. Here, there is no allegation that the responsibility determination was the result of fraud or that definitive criteria have not been applied.

Therefore, this protest is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

*Bidder responsibility
Contract award
Contractor protests
responsibility*

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