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DECISION



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

FILE: B-205593

DATE: December 7, 1981

MATTER OF: Environmental Laboratory of Fayetteville,
Inc.

DIGEST:

GAO does not review affirmative determinations of responsibility in the absence of a showing of fraud or allegations that definitive responsibility criteria in the solicitation were misapplied.

Environmental Laboratory of Fayetteville, Inc., protests the award of a contract to Law and Company (Law) under invitation for bids (IFB) NO. DAKF40-81-B-0207 issued by the Army for water and wastewater monitoring and analyzing services at Fort Bragg, North Carolina.

The protester contends that Law cannot perform the work within the time specified in the IFB because Law's laboratory is not close enough to Fort Bragg and time is not available for Law to establish a new laboratory closer to Fort Bragg.

The Army contracting officer determined that Law, the low bidder, has the capability to perform the work within the time specified in the IFB and, thus, Law was deemed to be responsible. The contracting officer notes that the IFB did not require that the successful bidder have a laboratory within a certain distance from Fort Bragg. The contracting officer also notes that Law has performed satisfactorily on past Government contracts.

The protest relates to Law's responsibility or capability to perform as specified in the contract. This Office does not review protests of affirmative determinations of responsibility unless fraud on the part of procuring officials is alleged or the solicitation contains definitive responsibility criteria

which allegedly have not been applied. BFH & Associates, Inc., B-198844, January 26, 1981, 81- CPD 43. Neither exception is alleged here.

Accordingly, the protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel