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## DECISION



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

82-1 cpd291

FILE: B-206777

DATE: March 29, 1982

MATTER OF: Fil-Coil Company, Inc.

## DIGEST:

Protest that the possible low bidder cannot satisfactorily perform the contract is a question of responsibility and not for review by the General Accounting Office.

Fil-Coil Company, Inc. (Fil-Coil) protests consideration of Alltronics, Inc., as low bidder on the Navy's solicitation no. N00104-81-B-1648 for radio frequency filters.

Fil-Coil alleges that Alltronics lacks the financial capability and necessary manpower to undertake the contract. Fil-Coil further alleges that Alltronics uses a non-approved component in its filters.

Alltronic's ability to perform the contract concerns the firm's responsibility as a prospective contractor. The contracting officer must make an affirmative responsibility determination before he can make the award. Defense Acquisition Regulation §2-407.24 (1976 ed.) The General Accounting Office generally will not review a protest of an affirmative determination of responsibility, which is largely a business judgment, unless there is a showing of possible fraud or bad faith on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Bradford Dyeing Association, Inc., B-202241, March 6, 1981, 81-1 CPD 182; X-Tyal International Corp., B-198802, May 22, 1980, 80-1 CPD 355. Neither exception appears to exist here.

The protest therefore is dismissed.

*J. H. Barclay, Jr.*  
For Harry R. Van Cleave  
Acting General Counsel