

DECISION



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

26696

FILE: B-213531

DATE: November 7, 1983

MATTER OF Ben Levine Timber

DIGEST:

Protest concerning the integrity of certain competing bidders in two timber sales procurements is dismissed as academic since the protester was awarded both contracts.

Ben Levine Timber, the successful high bidder in two United States Forest Service timber sales in the Olympic National Forest, complains that certain competitors for the sales may have colluded in the bidding process, and otherwise lack integrity.

We dismiss the protest. Ben Levine Timber was awarded the contract in each timber sale. Since neither of the protested firms was successful in a competition, the issues the protester raises are academic with respect to the contract awards, and therefore will not be considered. Moreover, the issues involve the responsibility of the protester's competitors, so that even if either had been successful, we would not review the protest. The reason is that a contract award reflects the contracting officer's decision that the awardee is a responsible concern, and our Office does not review affirmative responsibility determinations unless possible fraud on the part of procuring officials is shown or definitive responsibility criteria in the solicitation allegedly were not met. Williams Electric Co. Inc., B-210184, January 10, 1983, 83-1 CPD 26.

The protest is dismissed.

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

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