

DECISION

23457
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-209502**DATE:** October 26, 1982**MATTER OF:** Technology Service Corporation**DIGEST:**

Protest challenging award on basis that awardee was nonresponsible will not be considered by GAO since GAO will not review affirmative determinations of responsibility except in limited circumstances not applicable here.

Technology Service Corporation protests the award of a contract under solicitation No. SA-82-RSA-0021, issued by the Department of Commerce. The protester alleges that the awardee should have been found nonresponsible because of what the protester describes as a weak financial position.

Our Office does not review affirmative determinations of responsibility unless there is a showing of possible fraud on the part of the procuring officials or the solicitation contains a definitive responsibility criterion which allegedly has not been applied. We decline to review challenges to these affirmative determinations because contracting officers, in applying the standards for contractor responsibility set forth in the regulations, essentially are applying their subjective business judgment. This judgment is not readily susceptible to reasoned review since it is largely within the individual discretion of those charged with making the determinations. See Central Metal Products, 54 Comp. Gen. 66 (1974), 74-2 CPD 64.

Technology has not alleged the existence of either fraud or failure to apply a definitive criterion. Therefore, we will not consider its protest. See Beacon Winch Company, B-206513, March 15, 1982, 82-1 CPD 242.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel

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