

DECISION

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

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MORR.
2353

FILE: B-209087

DATE: November 8, 1982

MATTER OF: Northern Virginia Service Corporation

DIGEST:

Protest against affirmative responsibility determination of company that allegedly misstated its business affiliation is not for review by GAO where there is no showing of fraud or bad faith on the part of the procuring officials and the solicitation contained no definitive responsibility criteria.

Northern Virginia Service Corporation (NVSC) protests the award of a contract by the Department of the Air Force to Total Maintenance, Inc. (Total), under invitation for bids No. F42650-82-B-3168, a small business set-aside. NVSC alleges that Total is nonresponsive.

NVSC indicates that after bid opening, it protested the small business size status of Total with the Small Business Administration (SBA). Pursuant to the protest, SBA determined that Total is affiliated with another company, but that it still qualifies as a small business. NVSC contends that SBA's finding should render Total nonresponsive because Total had submitted an affidavit to the procuring agency that stated it has no affiliation. According to NVSC, Total intentionally misrepresented its affiliation, which shows that it lacks integrity--a key component of responsibility.

The question of the integrity of Total was a decision for the contracting officials in determining Total's responsibility. Defense Acquisition Regulation § 2-407.2 (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. Fil-Coil Company, Inc., B-206777, March 29, 1982, 82-1 CPD 291. Neither circumstance has been shown here.

Accordingly, the protest is dismissed.

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