

DECISION

copy

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

27255

FILE: B-213796.2

DATE: January 24, 1984

MATTER OF: Mantz Systems, Inc.

DIGEST:

Protest alleging that apparent low bidder on solicitation to operate base laundry facility failed to perform satisfactorily on a similar contract at another base and therefore should not be considered for award under the present solicitation is dismissed since the matter involves a question of the bidder's responsibility and GAO does not review affirmative determinations of responsibility except under circumstances not present here.

Mantz Systems, Inc. protests any award to Crown Laundry and Cleaners, Inc. the apparent low bidder on invitation for bids No. DABT56-84-B-0026, issued by Fort Belvoir, Virginia. We dismiss the protest.

The solicitation sought bids to operate a base laundry facility. Mantz contends that Crown failed to perform satisfactorily on a similar contract it held with another base. For this reason, Mantz argues, Crown should be found nonresponsible under the present solicitation.

Whether Crown is capable of performing the contract here is a matter of responsibility. Before award, the agency must make an affirmative determination of the awardee's responsibility. Our Office does not review protests concerning affirmative determinations of responsibility unless either fraud on the part of the procuring officials is alleged or the solicitation contains definitive responsibility criteria which allegedly have been misapplied. This is because responsibility determinations are normally based on the subjective business judgment of the procuring officials and are not readily susceptible to reasoned review. See amendment

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to GAO Bid Protest Procedures, 48 Fed. Reg. 1931 (1983)
(to be codified at 4 C.F.R. § 21.3(g)(4)); Markhurd Aerial
Surveys, Inc., B-210108, January 17, 1983, 83-1 CPD 51.
Neither exception has been alleged here.

The protest is dismissed.

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