

DECISION

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

B-220405

FILE:**DATE:** November 13, 1985

Omaha Ambulance Service, Inc.

MATTER OF:**DIGEST:**

GAO does not review affirmative determination of prospective contractor's responsibility absent showing of possible fraud or bad faith on the part of contracting officials or allegation that definitive responsibility criteria in solicitation were misapplied.

Omaha Ambulance Service, Inc. (Omaha), protests the award of a contract for ambulance services to Metro Ambulance of Omaha under Veterans Administration Medical Center solicitation No. 636-1-86. Omaha contends that the awardee should have been found nonresponsible because its past performance has been deficient, allegedly because of the use of unsafe and improperly equipped vehicles and of unqualified personnel. Omaha also protests that another bidder that certified itself as being a small business is not small.

Regarding Metro Ambulance's responsibility, the award to it represents that the contracting agency found the firm was responsible. Sylvan Service Corp., B-219077, June 17, 1985, 85-1 CPD ¶ 694. Our Office does not review protests against affirmative determinations of responsibility unless there is a showing of possible fraud or bad faith on the part of contracting officials or an allegation that the solicitation contained definitive responsibility criteria which the contracting agency misapplied. Id. Neither condition is applicable here.

Since Omaha has presented no basis to question the award, the other bidder's small business size status is not relevant. We point out, however, that size status protests are considered by the Small Business Administration, not this Office.

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The protest is dismissed.

Ronald Berger

Ronald Berger
Deputy Associate
General Counsel