



Comptroller General  
of the United States  
Washington, D.C. 20548

144106

## Decision

Matter of: Virginia Linen Service, Inc.

File: B-244320

Date: June 7, 1991

Jeffrey K. Kominers, Esq., Steven John Fellman, Esq., and Patricia D. White, Esq., Galland, Kharasch, Morse & Garfinkle, P.C., for the protester.

### DIGEST

Protest that proposed awardee is nonresponsible and therefore should not receive award is dismissed; General Accounting Office will not review agency's affirmative determination of responsibility absent circumstances not present in this case.

### DECISION

Virginia Linen Service, Inc. (VLS) protests the proposed award of a contract to Elite Linen Service under Department of the Navy request for proposals (RFP) No. N00174-91-R-0057. VLS maintains that Elite is not a responsible prospective contractor and therefore should not receive the award.

Our Office does not consider protests challenging affirmative determinations of a prospective contractor's responsibility absent a showing that the determination was made fraudulently or in bad faith, or that definitive responsibility criteria were not met. Bid Protest Regulations, 4 C.F.R. § 21.3(m)(5) (1991). VLS has neither alleged nor shown that either of these exceptions applies. VLS does cite our decision Nova Int'l, Inc., B-227696, Sept. 21, 1987, 87-2 CPD ¶ 284, for the proposition that we will review responsibility determinations to determine whether they were reasonably based. However, that case involved a negative determination of the protester's responsibility, not an affirmative determination of a proposed awardee's responsibility. The standard of review in Nova thus is inapplicable here.

The protest is dismissed.

John M. Melody  
Assistant General Counsel