

DECISION

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

FILE: B-186093, B-186670, B-186722 DATE: August 9, 1976 *61306* 98719

MATTER OF: Kane Moving and Storage Corporation, Manas Sherdel
Transport Corporation, Northern Virginia Van Lines

DIGEST:

1. Protests that apparent low bidder is not responsible because of its association with firm ineligible for award because of Service Contract Act violations is not for consideration. Low bidder's eligibility under Service Contract Act is for determination by Department of Labor, not GAO, and affirmative determination by contracting agency of low bidder's responsibility will not be reviewed by GAO.
2. Protest alleging that second low bidder's use of "No Charge" notation renders bid nonresponsive is premature since low bidder has not been determined to be nonresponsive. However, it is pointed out that no charge entry does not normally render bid nonresponsive.

Kane Moving and Storage Corporation, Manas Sherdel Transport Corporation, and Northern Virginia Van Lines have protested the award of any contract for moving services to Allen's Moving and Storage Co., Inc. by the General Services Administration (GSA) under solicitations IFB 3FZT-160, IFB 3TTM-142, and IFB 3FZT-172, respectively.

The protesters contend that Allen's, the apparent low bidder under the three solicitations, cannot be found to be a responsible bidder because of its relationship with Greenwood's Transfer and Storage, Inc. (Greenwood's), a firm which is currently ineligible for award of Government contracts because of its Service Contract Act (41 U.S.C. § 351 et seq.) violations. Kane also contends that the bid of Kennedy Van and Storage Corporation, the apparent second low bidder under IFB 3FZT-160, was nonresponsive because it contained the statement "No Charge" for several items whereas the solicitation provided that "prices must be quoted on each item to be considered for an award."

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The record shows that Greenwood's was added to the list of bidders ineligible for Government contract awards at the request of the Secretary of Labor after Greenwood's was found to have violated the Service Contract Act. Section 5 of the Act, 41 U.S.C. § 354, states:

"* * * no contract of the United States shall be awarded to the persons or firms appearing on this list or to any firm, corporation, partnership, or association in which such persons or firms have a substantial interest * * *."

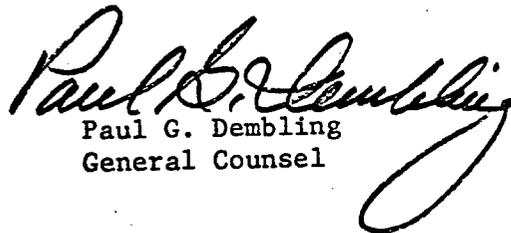
We have been advised by GSA that, in light of the protester's allegations regarding the relationship between Greenwood's and Allen's, it has asked the Department of Labor (DOL) to determine if Allen's is ineligible for award under the quoted statutory provision. GSA is withholding its determination of whether Allen's is a responsible bidder under the three solicitations pending DOL's response.

Under these circumstances, we must decline to consider the eligibility of Allen's for contract award. This properly is a matter for determination by DOL. See International Brotherhood of Teamsters (Local 814), B-181068, August 13, 1974, 74-2 CPD 93. Furthermore, if DOL's determination is not adverse to Allen's the matter of Allen's responsibility will be for GSA's determination. Should GSA find Allen's to be responsible, we would not review the matter since this Office will not review affirmative determinations of responsibility unless fraud is alleged on the part of procurement officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Central Metal Products, Incorporated, 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Eastern Home Builders and Developers, Inc., B-182218, November 29, 1974, 74-2 CPD 302; Bryan L. and F.B. Standley, B-186573, July 20, 1976, 76-2 CPD ____.

With regard to Kane's allegation that Kennedy's bid under IFB 3FZT-160 is not responsive, we point out that this assertion is premature since Kane, the low bidder, has not been found to be nonresponsive. However, we point out that an entry of "No Charge" in response to solicitation requirements that prices be submitted on all items is generally regarded as a price entry and does not render the bid nonresponsive. 48 Comp. Gen. 757 (1969); Dyneteria, Inc., et al., 54 Comp. Gen. 345 (1974), 74-2 CPD 240.

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Accordingly, the protests are dismissed.


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General Counsel