

**DECISION**

*J. S. Sullivan*  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548  
*PK 2*  
*8334*  
*8353*

FILE: B-192769

DATE: November 13, 1978

MATTER OF: J. P. Mascaro &amp; Sons Inc.

## DIGEST:

Allegation that bidder lacks integrity is not reviewable by GAO except in circumstances not present here since integrity is matter of responsibility to be determined by contracting officer.

J. P. Mascaro & Sons Inc. (Mascaro) protests against the award of a contract to another bidder under solicitation No. N62472-78-B-4618 issued by the Department of the Navy. Mascaro argues that Tri-County Hauling, Inc. (Tri-County), the second low bidder on this solicitation and a big business as determined by the Small Business Administration lacks integrity. Tri-County previously filed a protest with the contracting officer against Mascaro on the grounds that the company is nonresponsible and apparently Mascaro was ultimately denied a certificate of competency by the SBA.

The bidder's integrity is a question of responsibility primarily for determination by the procuring agency prior to the award of the contract. 48 Comp. Gen. 769 (1969). With certain exceptions not applicable here, our Office no longer reviews bid protests concerning determinations of responsibility. Con-Chen Enterprises, B-187795, October 12, 1977, 77-2 CPD 284. Nicolel Technology Corp., B-192895, September 28, 1978, 78-2 CPD 244. Therefore, the contention by the protester that Tri-County lacks integrity is not a matter for our resolution.

Accordingly, the protest is dismissed.

*Milton J. Socolar*  
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General Counsel