

Protest II

**DECISION**



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

9964

FILE: B-194531

DATE: April 26, 1979

MATTER OF: M & M Services, Inc.

*that*  
[Protest Alleging Contract Awardee Is Not Responsible]

DIGEST:

GAO will not review affirmative determination of low bidder's responsibility absent showing of fraud by procuring officials or allegations of misapplication of definitive responsibility criteria, neither of which is present here.

M & M Services, Inc. (M&M), the incumbent contractor, protests the proposed award of a contract *DLG01441* for custodial services to Skillens Enterprises under solicitation No. DAKF19-79-B-0033, issued by the Army, Fort Riley, Kansas. M&M maintains that Skillens is not a responsible contractor; M&M points to alleged wage and hour violations and other irregularities to buttress its claim.

We have been advised by the Army that the contracting officer has not made a determination of Skillens' responsibility. However, even if the contracting officer finds that Skillens is a responsible firm, we do not review a contracting officer's affirmative determination of responsibility, unless there is a showing of fraud on the part of procuring officials or the protester alleges that the solicitation contains definitive responsibility criteria which allegedly have not been applied. Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64. M&M has not raised these issues.

Moreover, to the extent that M&M's allegations concern possible violations of the Service Contract Act of 1965, 41 U.S.C. 351 et seq. (1976),

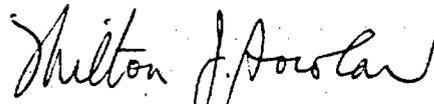
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the matter should be brought to the attention of the contracting officer for referral to the Department of Labor pursuant to Defense Acquisition Regulation 12-1005.10.

The protest is dismissed.



Milton J. Socolar  
General Counsel