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**DECISION**



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

**FILE:** B-216868

**DATE:** October 31, 1984

**MATTER OF:** Mann Rental Service

**DIGEST:**

1. The capacity of a company to provide supplies or services in accordance with solicitation requirements concerns a matter of responsibility. GAO does not review affirmative determinations of responsibility unless there has been a showing of possible fraud or bad faith on the part of procurement officials or that the solicitation contains definitive responsibility criteria that have not been applied.
2. An allegation that a small business contractor will subcontract the performance of a contract to a large business contrary to the intent of a small business set-aside is matter of contract administration and is the responsibility of the procuring agency rather than GAO.
3. Subcontracting with a large business under a service contract set-aside for small business is not legally objectionable.

Mann Rental Service (Mann) protests the award of a contract to Big T Enterprises (Big T) under solicitation No. F08620-84-D0002, issued as a small business set-aside by the Department of the Air Force for linen services. The protester contends that the awardee did not have the facilities to provide the supplies or services required prior to being awarded the contract, and that, since the award, has subcontracted a major portion of the contract to a company which does not qualify as a small business. We dismiss the protest.

Mann's claim that the awardee lacks the ability to provide the linen supplies or services required by the invitation for bids concerns a matter of responsibility. Thus, Mann's contention constitutes a protest against the Air Force's affirmative determination of Big T's responsibility which is necessarily involved in any decision to

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award to Big T. Dixie Bag Corp., B-210898.2, July 15, 1983, 83-2 CPD ¶ 97. We do not review affirmative determinations of responsibility unless there is a showing of possible fraud or bad faith on the part of the procuring officials or that the solicitation contains definitive responsibility criteria which have allegedly not been applied. Lake Shore, Inc., B-213877, Dec. 22, 1983, 84-1 CPD ¶ 14. Neither exception applies here.

Mann's allegation that Big T has subcontracted a substantial portion of the work to a firm that does not qualify as a small business is a matter of contract administration and is the responsibility of the procuring agency. The Wenninger Co., Inc., B-205093.3, Aug. 10, 1983, 83-2 CPD ¶ 194. We do not consider such matters under our Bid Protest Procedures, 4 C.F.R. part 21 (1984), which are reserved for determining whether an award or proposed award of a contract complies with statutory, regulatory and other legal requirements. HSQ Technology, B-208557.5, July 11, 1983, 83-2 CPD ¶ 69. In any event, we note that if the contract in question is a service contract, a subcontract with a large business firm is not legally objectionable. See James L. Decker, B-202051, Aug. 20, 1981, 81-2 CPD ¶ 158.

The protest is dismissed.

*Harry R. Van Cleve*  
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