



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: ALM, Inc.  
File: B-225679.3  
Date: May 8, 1987

### DIGEST

1. Whether awardee can and intends to perform contract using employees whose resumes were included in awardee's proposal is a matter of responsibility, as is the matter of the firm's integrity. General Accounting Office will not review agency's affirmative determination of awardee's responsibility absent showing of possible agency fraud or bad faith or alleged failure to apply definitive responsibility criteria.
2. Administration and enforcement of Service Contract Act is the responsibility of the Secretary of Labor and head of the contracting agency, not General Accounting Office.
3. General Accounting Office will not consider whether contracting agency properly will enforce contract terms or whether awardee will perform as required, since those are matters of contract administration, which is the responsibility of the contracting agency.

### DECISION

ALM, Inc., protests the award of a contract to Information Spectrum, Inc., under Department of the Navy request for proposals (RFP) No. N00019-85-R-0073. We dismiss the protest.

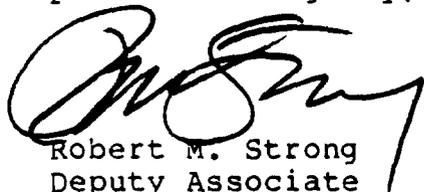
ALM states it understands that Information Spectrum submitted several resumes of ALM's employees as part of its offer, without the permission of those individuals; ALM argues that Information Spectrum thereby misled the Navy in the evaluation of the firm's proposal. ALM also protests that Information Spectrum plans, in performing the contract, to use less qualified personnel than needed, and will violate Service Contract Act wage requirements. ALM argues that these and other factors demonstrate that Information Spectrum lacks integrity.

038868

ALM does not suggest that the Navy acted improperly in evaluating Information Spectrum's proposal. Whether Information Spectrum can or intends to perform the contract with the personnel it proposed relates to the company's responsibility as a prospective contractor. Dayton T. Brown, Inc., B-223774.3, Dec. 4, 1986, 86-2 C.P.D. ¶ 642. Similarly, Information Spectrum's general integrity is a responsibility matter. Federal Acquisition Regulation (FAR), 48 C.F.R. § 9.104-1 (1986). Award to the firm necessarily was preceded by the Navy finding Information Spectrum responsible, FAR, 48 C.F.R. § 9.103, and our Office will not review such an affirmative determination of responsibility absent a showing of possible agency fraud or bad faith or an alleged failure to apply definitive responsibility criteria properly. 4 C.F.R. § 21.3(f)(5). ALM does not suggest either circumstance applies here.

As to whether Information Spectrum complies with the Service Contract Act, the administration and enforcement of that law and its provisions is the responsibility of the Secretary of Labor and the contracting agency. 41 U.S.C. § 352(b) (1982); Starlite Services, Inc., B-210762, Mar. 7, 1983, 83-1 C.P.D. ¶ 29.

Finally, whether the Navy properly enforces the contract terms, and whether Information Spectrum actually performs as required under its contract, involve the administration of the contract. Reclamation Technology, Inc., B-225223, et al., Dec. 5, 1986, 86-2 C.P.D. ¶ 650; Water Resources Education, B-224682, Nov. 28, 1986, 86-2 C.P.D. ¶ 626. Contract administration is the responsibility of the procurement agency, not our Office. 4 C.F.R. § 21.3(f)(1).

  
Robert M. Strong  
Deputy Associate  
General Counsel