



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Meldick Services Inc.
File: B-231072
Date: May 3, 1988

DIGEST

The General Accounting Office will not consider a matter that is essentially a dispute between private parties.

DECISION

Meldick Services Inc. protests the award of a mess attendant services contract to Cindee Corporation, the low offeror under Department of the Navy request for proposals (RFP) No. N00140-88-R-0188. Meldick asserts that an employee resigned from his position as an officer and director of the company to form Cindee Corporation. Medlick asserts that before resigning, the employee submitted the best and final offer for Meldick, and that, thereafter, he submitted Cindee's low offer to the Navy. A total of seven offers were received, with three, including Cindee's, being lower than Medlick's.

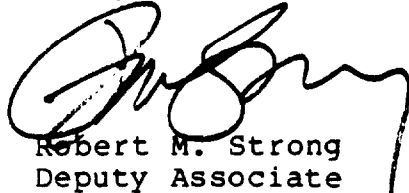
Meldick argues that the submission of an offer while serving as an officer and director of one corporation and further submitting an offer under the same solicitation for another corporation is unethical and appears to be contrary to government regulations. We will not consider the protest.

Clearly, the government had no part in the former employee's actions, and thus the matter essentially concerns a dispute between private parties which this Office will not adjudicate in the context of a bid protest. Urban Indian Council, Inc., B-225955.2, May 12, 1987, 87-1 CPD ¶ 500. Moreover, it appears that the government has obtained the benefit of competition despite the alleged conduct of the former employee in view of the number of offers received by the Navy, besides Cindee's, that were lower than Medlick's.

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Finally, to the extent that the alleged unethical conduct of the former employee impacts Cindee's eligibility for award, it involves Cindee's responsibility as a prospective contractor. Federal Acquisition Regulation § 9.104-1. The decision as to whether a firm is responsible is within the discretion of the contracting officer, and our Office will not review an affirmative determination in that regard except in limited circumstances not applicable here. 4 C.F.R. § 21.3(m)(5) (1988).

The protest is dismissed.



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