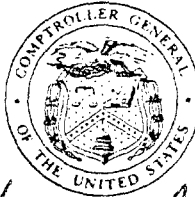


13310 PLCC
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DECISION



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

[Protest Alleging Awarded Bid Was Unreasonably Low]

FILE: B-198092

DATE: March 31, 1980

MATTER OF: Richy's Prototype Sheetmetal

DLG 04277

DLG 04278

DIGEST:

AGC 00777

1. There is no legal basis to preclude or disturb contract award merely because low bidder submits much lower bid than protester.
2. GAO does not review protests of affirmative determination of responsibility except in cases of fraud or misapplication of definitive responsibility criteria set forth in solicitation.

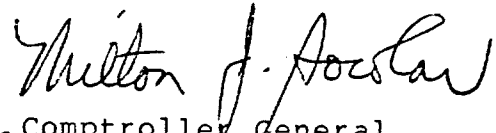
Richy's Prototype Sheetmetal (Richy) protests the award of a contract by the Department of the Army, Tobyhanna Army Depot (Army), to Ramsay Products Inc. (Ramsay) under solicitation No. DAAG38-80-B-0033. Richy, the second low bidder, alleges that Ramsay's bid is unreasonably low, thereby rendering the bid non-responsive and Ramsay nonresponsive.

We have repeatedly held that a bidder's submission of a bid which a competitor considers too low does not constitute a legal basis for precluding or disturbing a contract award. Columbia Loose-Leaf Corporation, B-193659, January 23, 1979, 79-1 CPD 45; Swedlow, Inc., B-191629, May 8, 1978, 78-1 CPD 45. Ramsay's submission of a low bid, therefore, does not render its bid non-responsive.

As for Ramsay's responsibility, this Office does not review protests of affirmative determinations of responsibility unless fraud on the part of the procuring officials is alleged or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Columbia Loose-Leaf Corporation, supra. Neither exception is applicable here.

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The protest is summarily denied.

A handwritten signature in dark ink, appearing to read "Milton J. Fowler". The signature is written in a cursive style with a large, sweeping initial "M".

For the Comptroller General
of the United States