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DECISION



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

FILE: B-205014

DATE: October 13, 1981

MATTER OF: Young Patrol Service

DIGEST:

Protester's contention that awardee's bid price will not cover awardee's labor costs in performing the contract will not be considered because it constitutes challenge of affirmative determination of bidder's responsibility. GAO will not review such determinations absent showing that procuring officials committed fraud or failed to apply definitive responsibility criteria, neither of which is alleged here.

Young Patrol Service protests the award of a contract to Marin Guard and Patrol under invitation for bids N 62474-81-B-3023 issued by the Department of the Navy for security guard services at Hamilton Air Force Base, Novato, California. We will not consider the protest.

Young contends that the costs which Marin will necessarily incur in performing the contract will far exceed Marin's bid price. Young bases this contention on its calculation of the labor-related costs which will accrue in providing the 35,140 man-hours contemplated by the IFB. Young asserts that because Marin will incur a loss in the performance of the contract, Navy erred in making the award.

We have repeatedly held that the submission of a bid which a competitor considers too low does not constitute a legal basis for precluding a contract award. Columbia Loose-Leaf Corporation, B-193659, January 23, 1979, 79-1 CPD 45. Moreover, the rejection of a bid as unrealistically low requires a determination that the bidder is nonresponsible. Futronics Industries, Inc., B-185896, March 10, 1976, 76-1 CPD 169. Here, the agency made an affirmative determination with respect to Marin's responsibility and Young's protest in essence challenges this determination. This Office does not review such

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determinations unless fraud is shown on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been met. Consolidated Elevator Company, B-190929, March 3, 1978, 78-1 CPD 166. Neither exception is present in this case and, therefore, we will not consider Young's contentions.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel