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Bellevue

DECISION



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

FILE: B-206343

DATE: February 19, 1982

MATTER OF: J&R Cleaning & General Maintenance

DIGEST:

Allegation that bid may be below costs required by (1) wage determination under Service Contract Act and (2) certain contract specifications does not provide basis for disturbing award of contract. Should bidder violate Service Contract Act during performance of contract, that would be matter for Department of Labor which is responsible for administration and enforcement of act.

J&R Cleaning & General Maintenance protests the award by the General Services Administration of a contract for janitorial services under solicitation No. IFB-PBS-9PPB-81-0129. The protester asserts that the awardee's bid price is insufficient to cover the costs required by (1) a wage determination established for this contract by the Department of Labor pursuant to the Service Contract Act, 41 U.S.C. § 351, et seq. (1976), and (2) certain contract specifications.

We are aware of no legal principle on the basis of which an award may be precluded or disturbed because the low bidder submitted a below-cost bid. Karadis Bros. Painting Co., Inc., B-187524, November 22, 1976, 76-2 CPD 440. To properly reject a bid as unreasonably low would require a determination that the bidder is not responsible; our Office does not review protests against affirmative determinations of responsibility absent a showing of fraud on the part of procuring officials, or where the solicitation contains definitive responsibility criteria which allegedly have not been applied. Massa Flooring Co., Inc.,

B-187974, January 19, 1977, 77-1 CPD 40. Neither exception is alleged in this case.

To the extent J&R is suggesting that the awardee may violate the Service Contract Act during contract performance, we note that would be a matter for consideration by the Department of Labor and not our Office since the Department of Labor is responsible for administration and enforcement of the act. Massa Flooring Co., Inc., supra.

The protest is dismissed.

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