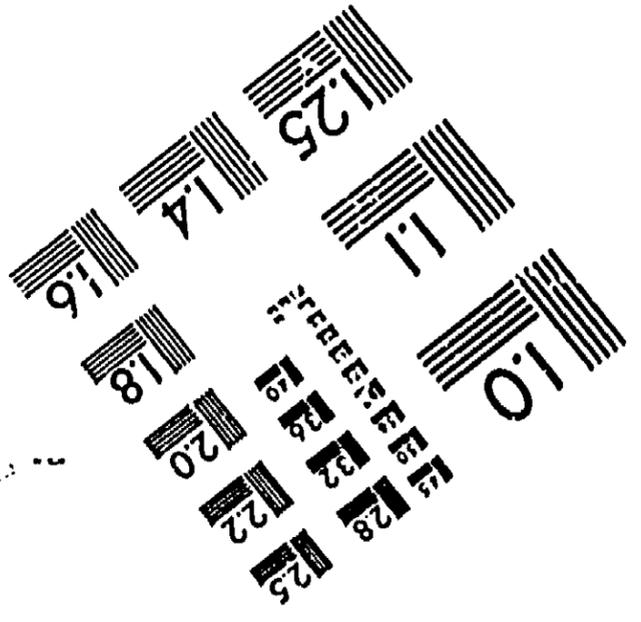
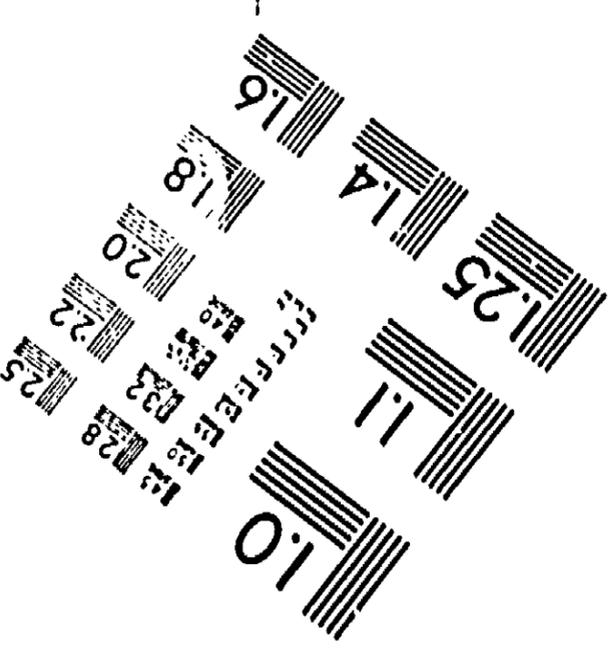
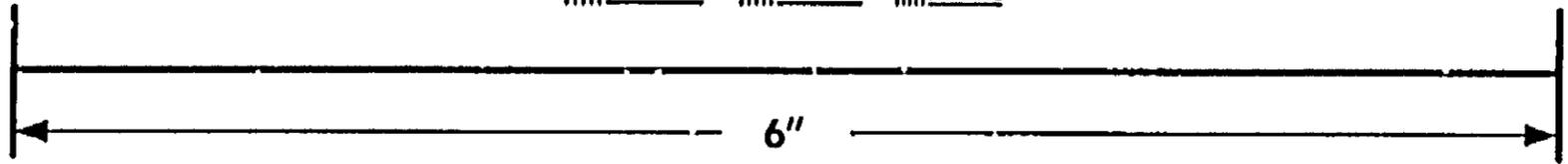
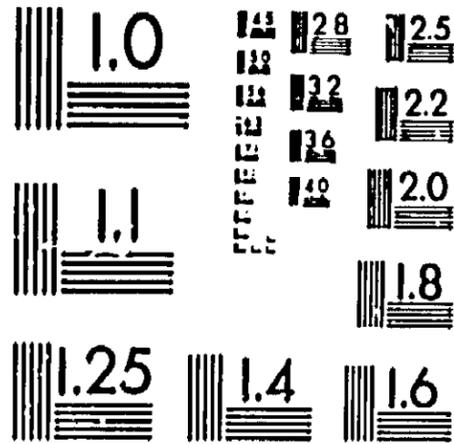


**IMAGE EVALUATION
TEST TARGET (MT-3)**



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DECISION



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

FILE: B-207292, B-207293

DATE: June 2, 1982

MATTER OF:

Ellsworth Street Associates

DIGEST:

1. Protest that awardee will not comply with solicitation requirements is a matter of contract administration and not for resolution under GAO Bid Protest Procedures.
2. The mere fact that awardee may have submitted a below-cost bid does not constitute a legal basis for precluding a contract award.

Ellsworth Street Associates (Ellsworth) protests the awards of contracts under invitations for bids (IFB) Nos. DACW69-82-B-0057 and DACW69-82-B-0058, issued by the Corps of Engineers for park attendant services.

Ellsworth contends that award to the low bidder under the IFB's is improper because of the firm's extremely low bid. It is alleged that because of its low bid, Ellsworth will not meet the minimum wage, will not furnish the number of persons required and will not provide the amount of insurance and bonding required by the IFB's. Ellsworth states that the minimum wage times the man-hours required exceeds the amount of the low bid and, therefore, implies that the low bidder's price was unreasonably low and could not be responsive to the requirements of the IFB's.

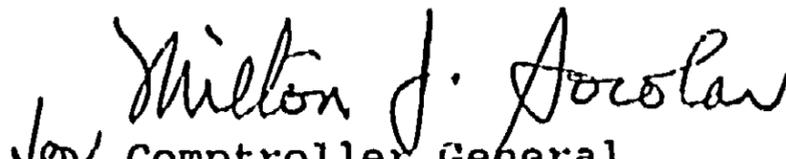
A bid is "responsive" if, as submitted, it is an offer to perform the exact thing called for in the solicitation, without exception. Here, since there is no allegation that the low bidder took any exception to the solicitation requirements, we have no basis for viewing the bid as nonresponsive. Propper Manufacturing Company, Inc., B-206193, February 3, 1982, 82-1 CPD 86.

Whether the awardee performs in accordance with contract requirements is a matter of contract administration, which is the function and responsibility of the contracting activity. Gavlon Industries, Inc., B-199584, August 4, 1980, 80-2 CPD 86. IF it is determined that the awardee is not meeting the specifications, the contract may be terminated for default. However, our Office does not review such matters under our Bid Protest Procedures. Mainline Carpet Specialists, Inc., B-192534, May 8, 1979, 79-1 CPD 315.

With respect to the allegation that the low bidder's price was unreasonably low, we have held that the mere fact that a bidder may have submitted a below-cost bid does not constitute a legal basis for precluding a contract award. Kleen-Rite Corporation, B-190411, November 8, 1977, 77-2 CPD 354.

Because of the above findings, no useful purpose would be served by holding a protest conference as requested by Ellsworth in its initial submission.

The protest is dismissed in part and denied in part.

for 
Comptroller General
of the United States

B I L L A N K

P A G E

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