

**DECISION**



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

FILE: B-207807

DATE: July 6, 1982

MATTER OF: GEM Resources, Inc.

**DIGEST:**

1. Contention that IFB provided insufficient information upon which to prepare bid relates to alleged impropriety in IFB not raised until after bid opening which is untimely and will not be considered on the merits.
2. If bidder has been found to be responsible, a below-cost bid provides no reason to challenge an award.

GEM Resources, Inc. (GEM), protests the award of a contract to Lear Siegler (LS) by the Department of the Army (Army) under invitation for bids (IFB) No. DAKF19-82-B-0002 for general support and backup for direct maintenance at Fort Riley, Kansas.

The procurement was conducted under Office of Management and Budget Circular No. A-76. The low bidder, LS, was selected for a cost comparison of continued in-house performance versus contracting out, and its bid was found to be lower than the Government cost.

GEM contends that the IFB did not contain sufficient information upon which to base a bid. Also, GEM argues essentially that LS submitted a below-cost bid and that LS cannot perform the contract at the price bid. GEM states that LS's price cannot cover the salaries of the personnel needed to perform the contract.

We dismiss the protest.

The first allegation, that the IFB provided insufficient information for preparation of a bid, relates to an alleged impropriety in the IFB apparent prior to bid opening. Our Bid Protest Procedures require that any protest based on an alleged impropriety in an IFB apparent prior to bid opening be filed (received) in our Office

prior to bid opening. 4 C.F.R. § 21.2(b)(1) (1982). GEM did not file its protest with our Office until after bid opening. This aspect of the protest is therefore untimely and will not be considered on the merits. See Northwest Independent Forest Manufacturers, B-207100, April 23, 1982, 82-1 CPD 376.

Regarding GEM's allegation that LS cannot perform the contract at its bid price, this is a matter of contract administration which does not relate to the propriety of the award. Contract administration is the function and responsibility of the procuring activity and our Office does not resolve such matters under our Bid Protest Procedures. Hybrid Abstracts, B-207083, May 24, 1982, 82-1 CPD 488. If a bidder has been found to be responsible by the contracting agency, the fact that the bidder may have submitted a below-cost bid does not constitute a legal basis for precluding or disturbing a contract award. Bowman Enterprises, Inc., B-194015, February 16, 1979, 79-1 CPD 121.

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