

**DECISION**



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

FILE: B-208322

DATE: September 15, 1982

MATTER OF: ADJL Enterprises

**DIGEST:**

1. No basis exists to preclude a contract award merely because the low bidder submitted a below-cost bid.
2. GAO will not review affirmative determination of responsibility except in limited circumstances.

ADJL Enterprises (ADJL) protests the award of a contract by the Naval Supply Systems Command to MB Associates under request for proposals No. N00104-82-R-WW27. ADJL contends that MB's bid price is unfair, noncompetitive, and arrived at with the intent of driving ADJL out of business.

From the record, it is apparent that ADJL essentially complains about MB's submission of a below-cost bid. The submission of a below-cost bid, however, is not a valid basis upon which to challenge an award. Rather, the question necessarily is whether the bidder can perform the contract at its bid price, a question which relates to the bidder's responsibility. Absent a showing that the contracting officer acted fraudulently or in bad faith, or that definitive responsibility criteria in the solicitation have not been met, GAO does not review a contracting officer's affirmative determination of responsibility. J&R Cleaning and General Maintenance, B-206280, February 19, 1982, 82-1 CPD 147. ADJL does not allege either exception here.

We dismiss the protest.

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