

DECISION



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

FILE: B-212706

DATE: August 26, 1983

MATTER OF: Moisture Protection Systems Analysts, Inc.

DIGEST:

Below-cost bid does not provide a legal basis for challenging an award where there is an affirmative finding of responsibility.

Moisture Protection Systems Analysts, Inc. protests the Air Force's award of a contract, requiring the analysis of 31 buildings' roofs at Wurtsmith Air Force Base, to Hirsch Equipment Company. The protester, who bid \$49,750 under the subject invitation for bids, No. F20603-83-B0021, complains that Hirsch's bid of \$6,205 is unrealistically low.

We consistently have held that an allegedly unreasonably low or below-cost bid does not provide a legal basis for challenging an award unless there is also a finding of nonresponsibility--that is, a determination by the contracting agency that the bidder lacks the ability to perform the contract at its offered price. Southwest Truck Body Company--Request for Reconsideration, B-208660.2, December 28, 1982, 82-2 CPD 585. The Air Force's award to Hirsch, however, entailed an affirmative responsibility determination, Crimasco, Inc., B-210724, March 24, 1983, 83-1 CPD 304, which our Office does not review except in circumstances not present here. Id; Yardney Electric Corporation, 54 Comp. Gen. 509 (1974), 74-2 CPD 376.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel