

DECISION

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

29132

FILE: B-216010

DATE: August 21, 1984

MATTER OF: Steve's Domestic Refrigeration, Inc.

DIGEST:

1. Submission of a bid which a competitor considers too low does not constitute a legal basis for precluding a contract award if the bidder is deemed responsible. Moreover, GAO will not review an affirmative determination of responsibility except in limited circumstances.
2. Contract administration is not within the purview of GAO's bid protest function.
3. Protester's request for a conference on the merits of the protest, which GAO will not consider, is denied because the conference would serve no useful purpose.

Steve's Domestic Refrigeration, Inc. protests the proposed awards of contracts for appliance maintenance and repair services to two bidders under Department of the Air Force solicitation No. F08621-84-B-0063. Steve's contends that the two bidders will be unable to perform the contract satisfactorily at the low bid prices they submitted. We dismiss the protest.

The submission of a bid which a competitor considers too low does not itself constitute a legal basis for precluding a contract award. Southwest Truck Body Company, B-208973, Dec. 27, 1982, 82-2 CPD ¶ 580. Rather, rejection of a bid as unrealistically low requires a determination that the bidder is not responsible, that is, not capable of performing at the bid price.

An affirmative responsibility determination must be made by the contracting officer prior to award. See Lake Shore, Inc., B-213877, Dec. 22, 1983, 84-1 CPD ¶ 14. Although it is not clear whether such a determination yet has been made here, our Office will not review a protest of an affirmative responsibility determination, which is largely a business judgment for the contracting officials, unless there is a showing of possible fraud or bad faith by those officials, or the solicitation contains definitive responsibility criteria which allegedly have not been

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applied. Broadway Cab Co., B-214194, March 15, 1984, 84-1 CPD ¶ 312. Neither exception has been alleged here. Further, whether the awardees actually meet their obligations at the contract price is a matter of contract administration, which is the function and responsibility of the contracting agency, not our Office. ASC Medicar Service, Inc.--Reconsideration, B-213724.2, Feb. 28, 1984, 84-1 CPD ¶ 248.

The protester has requested a conference on the merits of the matter. In light of the above discussion, however, a conference would serve no useful purpose. See Gateway Warehouse Services Corp., B-208350, Aug. 17, 1982, 82-2 CPD ¶ 141.

The protest is dismissed.

Harry R. Van Cleve

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