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DECISION



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

FILE: B-220839

DATE: November 1, 1985

MATTER OF: JAMATS, Incorporated

DIGEST:

Protest alleging that awardee submitted below-cost offer is dismissed. There is no legal basis to object to a contract award solely because the awardee submitted a below-cost or "buy-in" offer.

JAMATS, Incorporated protests the award of a contract to Intercon Systems Corporation for advanced training materials for the AN/TSQ-73 Missile Minder System under request for proposals No. DABT60-85-R-0166, issued by the Army. JAMATS contends that Intercon submitted a below-cost offer in an attempt to "buy in" with the intention of later gaining a cost adjustment under the contract.

There is no legal basis to object to a contract award solely because the awardee submitted a below-cost, or buy-in, offer. Ares, Inc., B-209323, Mar. 31, 1983, 83-1 CPD ¶ 336. The regulations require only that the contracting officer take appropriate action to ensure that losses due to below-cost awards are not recovered. Federal Acquisition Regulation, 48 C.F.R. § 3.501-2(a) (1984); Ares, Inc., B-209323, supra.

The protest is dismissed.

Ronald Berger
Ronald Berger
Deputy Associate
General Counsel