

**DECISION**

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

**FILE:** B-222514

**DATE:** April 22, 1986

**MATTER OF:** J and J Maintenance, Inc.

**DIGEST:**

There is no legal basis to object to below-cost bid. Whether a bidder can meet contract requirements in light of the low price is a matter of bidder responsibility, the affirmative determination of which is not reviewed by the General Accounting Office except in limited circumstances not present here.

J and J Maintenance, Inc. protests the award of a contract to either Allied Air Company or Creative Interiors under solicitation No. GS-07-P-86-HT-D-0002-7SB, issued by the General Services Administration for Building Preventive Maintenance in San Antonio and Del Rio, Texas.

J and J contends that Allied and Creative, the low and second low bidders, respectively, are nonresponsive. J and J contends that Allied's price is far too low and that Creative Interiors' bid was nonresponsive for other reasons.

There is no legal basis to object to a below-cost bid. Management Consulting, Inc., B-216299, Sept. 12, 1984, 84-2 CPD ¶ 288. Therefore, the fact that Allied's bid is significantly lower than the other bids received and may be below what actual performance will cost does not render the bid nonresponsive. Whether a bidder can meet contract requirements in light of a below-cost price is a matter of bidder responsibility. Although J and J also challenges Allied's responsibility, affirmative determinations of responsibility are not reviewed by our Office unless there is a showing that the determination may have been made fraudulently or in bad faith or that definitive responsibility criteria in the solicitation were not met. 4 C.F.R. § 21.3(q)(4) (1985); Clark International Security, Inc., B-216320, Sept. 28, 1984, 84-2 CPD ¶ 369. Neither exception is present here.

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Under the circumstances, we have no basis to object to Allied's bid. That being so, we need not consider J and J's challenge to the Creative Interiors bid.

The protest is dismissed.



Ronald Berger  
Deputy Associate  
General Counsel