



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: American Building Services, Inc.
File: B-225571.2
Date: January 30, 1987

DIGEST

Protest which alleges that low bid in a two-step sealed bidding procurement was below cost is dismissed because it raises an issue not reviewed by General Accounting Office and otherwise is based solely on speculation.

DECISION

American Building Services, Inc., protests award of a contract to any firm other than itself under invitation for bids (IFB) No. DTFA-02-86-B-00565, issued by the Federal Aviation Administration, Department of Transportation. This is a two-step sealed bidding procurement for janitorial services. Basically, American Building Services contends that First Maintenance Company, the low bidder, submitted a bid in Step II of this procurement that was below its costs to perform the work it proposed to do in its Step I technical proposal. In the alternative, American Building Services charges that First Maintenance Company must have been allowed to submit a Step II bid which was not consistent with its Step I proposal. The protester also makes the same allegations with regard to the second-low bidder.

We dismiss the protest.

American Building Services states that its protest is based on the same facts as was the prior protest of American Maid Maintenance regarding the same solicitation and, in fact, American Building Services incorporates that protest into its own protest. We dismissed American Maid Maintenance's protest on Jan. 9, 1987 (American Maid Maintenance, B-225571, 87-1 CPD ¶ ____). In that case, American Maid Maintenance also contended that First Maintenance's price under Step II was lower than the lowest possible cost of performance consistent with the Step I technical proposal. We held that

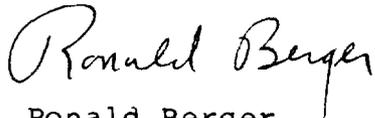
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the contention gave rise to a matter of responsibility for the agency to determine prior to contract award. We pointed out that our Office does not review an agency's affirmative determination of responsibility in the absence of a showing of possible fraud or bad faith by the procuring officials or that definitive responsibility criteria may not have been met and that neither exception could be applied in that case.

Once again, we will not consider the contention that First Maintenance's bid is too low to permit proper performance. In this connection, American Building Services has provided no new facts or arguments which would change the result of our January 9, 1987, decision. American Building Service's assumption that the agency abandoned the requirement that the Step II price be consistent with the Step I proposal is based on pure speculation which finds no support in the record. Such speculation provides no basis on which to challenge an agency's conduct of a procurement. See Mount Pleasant Hospital, B-222364, June 13, 1986, 86-1 CPD ¶ 549 at 4,5.

Thus, we see no useful purpose to be served by our further consideration of this protest. See Ingersoll-Rand Co., B-225052, Jan. 27, 1987, 87-1 CPD ¶ ____.

The protest is dismissed.



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General Counsel