



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: PRN, Inc.
File: B-256919
Date: May 5, 1994

DECISION

PRN, Inc. protests the absence from solicitation No. DABT64-94-B-0002, issued by the Department of the Army, of certain information regarding wages and fringe benefits that it alleges should have been included.

This issue is untimely. Protests based upon alleged improprieties in a solicitation which are apparent prior to bid opening must be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1). The bid opening was on March 23, 1994. The protest was filed with our Office on April 5, 1994.

PRN also alleges that the bids received are too low.. Allegations that bid prices are too low are not a valid basis for a protest. A bidder or offeror, in its business judgment, properly may decide to submit a price that is extremely low. Diemaster Tool, Inc., B-238877, Apr. 5, 1990, 90-1 CPD ¶ 375. An agency decision that the contractor can perform the contract at the offered price is an affirmative determination of responsibility which we will not review absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. JWK Int'l Corp., B-237527, Feb. 21, 1990, 90-1 CPD ¶ 198. Where, as here, there is no such showing, we have no basis to review the protest.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".

Ronald Berger
Associate General Counsel