

C. Melody



Comptroller General  
of the United States

11501410

Washington, D.C. 20548

## Decision

**Matter of:** AEC Corporation  
**File:** B-258780  
**Date:** October 14, 1994

### DECISION

AEC Corporation protests the award of contracts to International, Inc. and Integrated Environmental under solicitation No. DACA01-94-B-0093, issued by the Army Corps of Engineers for removal/disposal and demolition of structures at the Alabama Army Ammunition Plant, Childersburg, Alabama. The protester contends that the prices bid by the awardees for the asbestos soil removal work are substantially below the actual cost to perform the work.

The protest is dismissed because we will not consider a protester's claim that, in essence, a bidder or offeror submitted an unreasonably low price.

A protester's claim that a bidder or offeror submitted an unreasonably low price--or even that the price is below the cost of performance--is not a valid basis for protest. A bidder or offeror, in its business judgment, properly may decide to submit a price that is extremely low. Diamond 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.

*Christine S. Melody*  
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Assistant General Counsel