

J. Thomas



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: CardioMetrix

File: B-261742

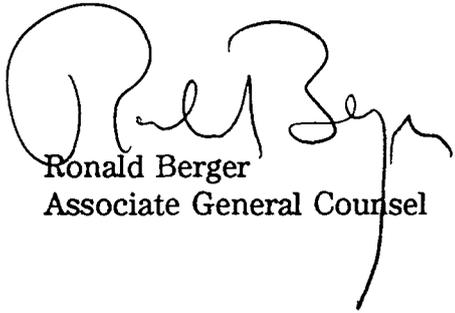
Date: July 6, 1995

DECISION

CardioMetrix protests the award of a contract to Diagnostic Imaging by the Department of Veterans Affairs under request for proposals (RFP) No. 460-19-95. CardioMetrix contends that Diagnostic cannot adequately perform the contract because its offered prices under certain CLINs are "economically unfeasible." CardioMetrix also alleges that Diagnostic misinterpreted the CLINs as evidenced by the disparity in offered prices.

This does not state a valid basis for protest. The submission of a significantly low price indicates no more than a below-cost offer, which offerors are free to submit and agencies may properly accept. See MEI Env'tl. Servs.-Recon., B-231401.2 et al., June 16, 1988, 88-1 CPD ¶ 579. An agency decision that the contractor can perform the contract at the offered price is an affirmative determination of responsibility,¹ a challenge to which we generally will not review except in circumstances not present here. JWK Int'l Corp., B-237527, Feb. 21, 1990, 90-1 CPD ¶ 198.

The protest is dismissed.


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¹Our Office also will not consider one offeror's claim that a lower offeror may be mistaken, since it is the responsibility of the contracting parties to assert rights and bring forth the necessary evidence to resolve mistake questions. Sabreliner Corp., B-231200, Aug. 31, 1988, 88-2 CPD ¶ 194.

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