

C. Melody



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Fix Painting Company

File: B-270037

Date: October 12, 1995

DECISION

Fix Painting Company protests the award of a contract to Hercules Painting and Decorating, Inc. under invitation for bids (IFB) No. N68711-94-D-0358, issued by the Department of the Navy for interior and exterior painting at certain Navy facilities.

We dismiss the protest.

Fix challenges the award on the ground that Hercules's bid prices for removal and disposal of lead-contaminated paint as required by the IFB are so low that the work cannot be performed in accordance with applicable environmental laws. Fix's contentions do not state a valid basis for protest. The submission of a below-cost bid is not improper; the government cannot withhold an award merely because a responsive bid is below cost. Star Brite Constr. Co., Inc., B-244122, Aug. 20, 1991, 91-2 CPD ¶ 173. To the extent that Fix argues that Hercules cannot perform the contract requirements for paint removal at its bid price, such allegations concern the contracting agency's affirmative determination that Hercules is a responsible firm, a determination which we will not review absent circumstances not present here. See Bid Protest Regulations, section 21.5(c), 60 Fed. Reg. 40,737, 40,742 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.5(c)); BFPE Int'l, B-248783, Sept. 25, 1992, 92-2 CPD ¶ 206.

The protest is dismissed.

Comptroller General
of the United States

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