

DOCUMENT RESUME

02386 - [A1512504]

[Alleged Nonresponsiveness Due to Unreasonably Low Bid].
B-187377. May 25, 1977. 1 pp.

Decision re: Surf Cleaners, Inc.; by Paul G. Dembling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).
Contact: Office of the General Counsel.
Budget Function: National Defense: Department of Defense -
Procurement & Contracts (058).
Organization Concerned: Department of the Navy: Sewells Point
Area Naval Station, Norfolk, VA.
Authority: B-187377 (1976).

There was no legal basis to preclude or disturb contract award for janitorial services merely because low bidder may have submitted bid which the protester believed was too low and therefore "nonresponsive." Therefore, protest raising that sole issue was dismissed. (Author/DJM)

2504

02386

2504
7/7/77

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-187377

DATE: May 25, 1977

MATTER OF: Surf Cleaners, Inc.

DIGEST:

There is no legal basis to preclude or disturb contract award merely because low bidder may have submitted bid which protester believes is too low; therefore, protest raising that sole issue is dismissed.

Surf Cleaners, Inc. (Surf) protests award of a contract to E. C. Professional Services for janitorial services at the Sewalls Point Area Naval Station, Norfolk, Virginia. Surf claims that the bid of E. C. Professional is "nonresponsive" because it "is 22% less than the U.S. Government's estimate" with the result that "the minimum contract * * * requirements will not be met" by acceptance of that bid.

This protest follows a previous protest by Surf with regard to the same procurement. The issue raised was the same-- the alleged nonresponsiveness of a bid because that bid was believed to be too low. In the previous decision we held that there "is no legal basis for precluding or disturbing a contract award" merely because the low bidder may have submitted a bid which the protester "views as being unreasonably low." Surf Cleaners, Inc., B-187377, September 24, 1976, 76-2 CPD 281. We pointed out that where the protester also alleged a possible mistake in the bid of the low bidder, GAO's role in such cases was merely to point out to the agency the possibility of a mistake in bid, for verification purposes, and not to "consider or decide the matter" pursuant to our Bid Protest Procedures * * *."

Here we are advised that award was made on April 29, 1977. Accordingly, no useful purpose would be served by our further involvement in this matter.

The protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel