

DECISION



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

61551

FILE: B-187377

DATE: September 24, 1976

MATTER OF: Surf Cleaners, Inc.

97972

DIGEST:

1. 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.
2. Where protest suggests possibility of mistake in bid, matter is not considered pursuant to bid protest function beyond advising procuring agency of possible mistake for verification purposes.

Surf Cleaners, Inc. protests any award to Government Contractors, Inc., of Naval Station, Sewells Point Area, contract N62470-76-C-0181, for custodial services. The protester claims that the Government Contractors bid is too low and "obviously totally non-responsive" inasmuch as it is less than enough even "to pay the basic wage requirements * * * at the pay rate specified" under the contract.

In this regard, we note that a bid is nonresponsive if the bidder has not offered to meet the requirements set forth in the specifications. Although the protester may view the bid as being unreasonably low, it does not appear that a minimum bid price was specified and we have repeatedly held that the mere fact that a bidder may have submitted a below-cost bid does not constitute a legal basis for precluding or disturbing a contract award. Caltex Engineering Co., B-186525, June 2, 1976, 76-1 CPD 355. Likewise, we have held that the possibility of a buy-in is not a proper basis upon which the validity of an award may be challenged. The procurement regulations do not provide for rejection of such bids and the fact that a low bidder may incur a loss at its bid price does not justify rejecting an otherwise acceptable bid. A. C. Electronics, Inc., B-185553, May 3, 1976, 76-1 CPD 295.

Where protest suggests discrepancy in bid price and the possibility of a mistake in bid, we do not consider or decide

B-187377

such issues pursuant to our Bid Protest Procedures, beyond advising the agency concerned that, for purposes of verification, the possibility of mistake has been suggested. Engineering Research, Inc., B-187067, August 6, 1976, 76-1 CPD 134. In this instance, we have been advised by the Navy that a contract has not been awarded and that it has asked the low bidder to verify its bid.

Accordingly, the protest is dismissed.

for 
Paul G. Dembling
General Counsel