

Humes
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DECISION



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

[Protest of Navy Contract Award]

FILE: B-199789

DATE: August 7, 1980

MATTER OF: National Pump & Injector Sales & Service, Inc.

DL005041

DIGEST:

1. There is no basis to preclude or disturb contract award merely because awardee submits lower price than protester.
2. Question of whether awardee has in-house equipment necessary to perform testing requirements of IFB is matter of responsibility, an affirmative determination of which GAO will not consider except in circumstances not present here.

National Pump & Injector Sales & Service, Inc. (National) protests the award of a contract by the Department of the Navy to Stanwick Co. (Stanwick) under invitation for bids (IFB) No. N00244-80-B-2261. *DL05042 AGC000201*

National alleges that the price offered by Stanwick is unrealistically low and Stanwick does not have the in-house equipment necessary to perform the testing requirements of the contract.

We have repeatedly held that a bidder's submission of a bid which a competitor considers too low does not constitute a legal basis for precluding or disturbing a contract award. Richy's Prototype Sheetmetal, B-198092, March 31, 1980, 80-1 CPD 241 and cases cited therein. Rather, whether a bidder can perform at its low price involves the bidder's responsibility as a prospective contractor. This Office does not consider a contracting officer's affirmative determination of responsibility unless there is a showing of fraud or bad faith or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Tempesta & Son Co., B-199469, July 21, 1980 and cases cited therein. Neither exception is present here.

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B-199789

Similarly, the allegation that Stanwick does not have the necessary in-house equipment to perform the IFB's testing requirements also involves the contracting officer's determination of Stanwick's responsibility.

Accordingly, the protest is dismissed.

Harry R. Jan Clave
for Milton J. Socolar
General Counsel