



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: All Clean, Inc.

File: B-228608

Date: August 12, 1987

DIGEST

1. Protester's allegation that other bidders who failed to submit quality control plan with their bids as required by the invitation for bids are nonresponsive is without merit, since quality control plan relates to responsibility and therefore may be furnished any time before award of the contract.

2. Protester, third low bidder, is not an interested party to challenge responsiveness of low bidder's bid since, even if protest were sustained, protester would not be in line for award.

DECISION

All Clean, Inc. protests the award to any other bidder of a contract under invitation for bids (IFB) No. DAKF06-87-B-0112, issued by the Department of the Army for janitorial services at Fort Douglas, Utah. The protester alleges that the other bidders failed to submit a Quality Control Plan (QCP) with their bids, rendering the bids nonresponsive to the IFB. All Clean also contends that Superior Maintenance, the low bidder, submitted a materially unbalanced bid, making it nonresponsive on that ground as well. We dismiss the protest.

In response to the IFB, 10 bidders submitted bids. Superior Maintenance, the low bidder, was selected for award. All Clean states that it submitted the third lowest bid.

The IFB required each bidder to submit a QCP as part of its bid. All Clean contends that it was the only bidder who complied with this requirement, and therefore is the only responsive bidder. However, the QCP requirement involves bidder responsibility rather than bid responsiveness, since it relates to the ability of the successful bidder to perform, not whether the bidder has offered to perform in accordance with the material terms and conditions of the

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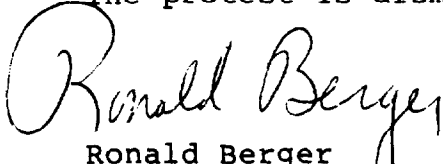
IFB. See Lapteff Associates, et al., B-196914, et al., Aug. 20, 1980, 80-2 CPD ¶ 135, aff'd, Biospherics, Inc.--Reconsideration, 60 Comp. Gen. 28 (1980), 80-2 CPD ¶ 272. A requirement which relates to responsibility cannot be treated as a matter of responsiveness since a contracting agency cannot convert a matter of responsibility into one of responsiveness by the terms of the solicitation. Southwest Mobil Systems Corp., B-223940, Aug. 21, 1986, 86-2 CPD ¶ 213. Therefore, even though the IFB required submission of a QCP with the bid, since documents and information bearing on bidder responsibility may be provided any time prior to award, TECOM, Inc., B-211899, June 27, 1983, 83-2 CPD ¶ 28, the alleged failure of Superior Maintenance and the other bidders to submit a QCP with their bids has no bearing on the responsiveness of their bids; rather, the bidders were required only to submit a QCP before award was made.

The protester also alleges that the awardee's bid is materially unbalanced because its bid prices for two items are below cost. All Clean is not an interested party to raise this issue. Under the Competition in Contracting Act of 1984, 31 U.S.C. § 3551(2) (Supp. III 1985), and our Bid Protest Regulations, 4 C.F.R. §§ 21.0(a), 21.1(a) (1987), a protest may be brought only by an interested party, defined as an actual or potential bidder or offeror whose direct economic interest would be affected by the award or failure to award the contract at issue. In general, a party will not be considered interested where it would not be in line for award even if its protest were sustained. T.J. O'Brien Co., Inc., B-223680, Aug. 11, 1986, 86-2 CPD ¶ 177.

Here, All Clean states that it is the third low bidder. Since, as discussed above, All Clean's overall challenge to the responsiveness of the other bids is without merit, All Clean, as the third low bidder, would not be in line for award even if its objection to the awardee's bid as materially unbalanced were found to have merit. As a result, All Clean is not an interested party to challenge the award on this ground. See National Business Systems, Inc.--Reconsideration, B-224820.2, Nov. 17, 1986, 86-2 CPD ¶ 572. In any event, All Clean's allegation is without merit, since submission of a below-cost bid, standing alone,

does not make the bid materially unbalanced. See
International Service Corp., B-220006.2, Sept. 9, 1985, 85-2
CPD ¶ 282.

The protest is dismissed.


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