



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: H.B. MAC, Inc.

File: B-257801

Date: July 6, 1994

DECISION

H.B. MAC, Inc. protests the significantly low price bid by Walter Y. Arakaki, G.C., Inc. under solicitation No. N62471-92-B-1326, issued by the Department of the Navy.

The protest is dismissed because we will not consider a protester's claim that, in essence, a bidder or offeror submitted an unreasonably low price.

A protester's claim that a bidder or offeror submitted an unreasonably low price--or even that the price is below the cost of performance--is not a valid basis for protest. A bidder or offeror, in its business judgment, properly may decide to submit a price that is extremely low. Diemaster Tool, Inc., B-238877, Apr. 5, 1990, 90-1 CPD ¶ 375. An agency decision that the contractor can perform the contract at the offered price is an affirmative determination of responsibility which we will not review absent a showing of possible fraud or bad faith on the part of procurement officials, or that definitive responsibility criteria in the solicitation may have been misapplied. JWK Int'l Corp., B-237527, Feb. 21, 1990, 90-1 CPD ¶ 198. Where, as here, there is no such showing, we have no basis to review the protest.

Ronald Berger

Ronald Berger
Associate General Counsel