



Comptroller General
of the United States

104-101

Washington, D.C. 20548

Decision

Matter of: Robert Hall Associates Inc.
File: B-258516
Date: October 14, 1994

DECISION

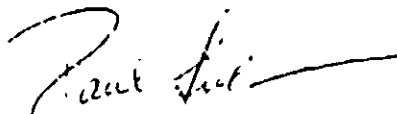
Robert Hall Associates Inc. protests the award of a contract to Paramount Contracting Company by the Department of the Army Corps of Engineers under invitation for bids No. DACA21-94-B-0029. Because it is apparent from the face of Robert Hall's filing that it does not state a valid basis of protest, we dismiss the protest without requiring submission of a report from the agency. 4 C.F.R. § 21.3(m) (1994).

The protester asserts that the awardee's bid must be rejected as materially unbalanced. A bid cannot be materially unbalanced unless it contains overstated prices for some items as well as understated prices for other items. Wizards-Movers Elite, Inc.; Elkay Transp., Inc., B-255753; B-255753.2, Mar. 29, 1994, 94-1 CPD ¶ 221. The submission of a below-cost bid is not illegal, and the mere fact that a bid includes understated prices does not justify rejection of the bid. Id. While the protester alleges that the awardee's bid contains an understated price for one line item (0002), it does not allege that any line item in the bid is overstated.

To the extent that the protester is arguing that the awardee must have compensated for the allegedly understated price under line item 0002 by including at least part of the cost for that line item in the price of another line item (0001), thus rendering that price overstated, the protest plainly lacks a factual basis. The bid abstract, which the protester submitted to our Office, reveals that the awardee's price for line item 0001 is well below the government estimate. Moreover, while a comparison of an awardee's prices with the protester's is not enough to establish that the awardee's prices are overstated, Sanford Cooling, B-242423, Apr. 15, 1991, 91-1 CPD ¶ 376, we note that here the awardee's price for line item 0001 is only 15 percent higher than the protester's. Because the record

makes clear that none of the awardee's prices are overstated, there is no basis for finding its bid unbalanced.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "Paul Lieberman", with a long horizontal flourish extending to the right.

Paul Lieberman
Acting Associate General Counsel