



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Nova Management

File: B-261632

Date: June 13, 1995

DECISION

Nova Management protests the award of a contract to Micor City Computer by the Department of Health & Human Services under solicitation No. H09S95000700000.

The protester contends that the award price was "unrealistically" low. Nova contends that its substantially higher "bid was based upon the extensive background of performing similar work by [its] subcontractor."

The submissions of a below cost offer is not a valid basis to object to a contract award. An offeror, in its business judgment, properly may decide to submit a price that is extremely low. Diamond 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. JVK Int'l Corp., B-237527, Feb. 21, 1990, 90-1 CPD ¶ 198. Neither exception applies here.

The protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger".
Ronald Berger
Associate General Counsel