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**DECISION**



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

**FILE:** B-187524

**DATE:** November 22, 1976

**MATTER OF:** Karadis Bros. Painting Co., Inc.

**DIGEST:**

1. There is no legal principle on which award may be disturbed merely because bidder might have submitted below cost bid.
2. To reject bid as being unreasonably low would require determination that bidder was nonresponsive. GAO does not review protests against affirmative determinations of responsibility by contracting officials except in cases of fraud or misapplication of definitive responsibility criteria set out in solicitation.
3. Bid signed by individuals who allegedly are not United States citizens is not nonresponsive.

Karadis Bros. Painting Co., Inc. (Karadis), has protested against the award of a contract to Able Painting Co. (Able) under invitation for bids (IFB) No. N62472-76-B-5055, issued by Lakehurst Naval Air Station.

The bases on which Karadis protests the award are as follows:

1. The price submitted by Able is unreasonably low and therefore must contain an error.
2. The individuals signing Able's bid are not citizens of the United States; therefore, the bid is nonresponsive.

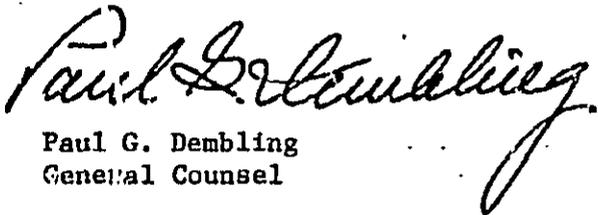
With respect to the allegation that Able's bid is unreasonably low, we have repeatedly held that we are aware of no legal principle on the basis of which an award may be precluded or disturbed merely because the low bidder submitted a below cost bid. Parsons Custom Products, Inc., B-185104, November 14, 1975, 75-2 CPD 311.

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We believe that to properly reject a bid as being unreasonably low would require a determination that the bidder is not responsible. B-175262, January 12, 1972. In this vein, our Office does not review protests against affirmative determinations of responsibility, unless either fraud is shown on the part of procuring officials or where the solicitation contains definitive responsibility criteria which allegedly have not been applied. See Central Metal Products, Incorporated, 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Yardney Electric Corporation, 54 Comp. Gen. 509 (1974), 74-2 CPD 376.

With regard to the allegation that Able's bid was signed by individuals who are not United States citizens, generally there is no basis to reject a bid as nonresponsive for this reason.

Accordingly, the protest is denied.

  
Paul G. Dembling  
General Counsel