



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Ingersoll-Dresser Pump Company

**File:** B-257769

**Date:** July 14, 1994

### DECISION

Ingersoll-Dresser Pump Company protests the award of a contract by the Department of the Navy under request for quotations No. V52903-4089-WR96. Ingersoll-Dresser asserts that the drawings for the required items are proprietary to it and that it is not aware of any other contractor that can provide the items.

We dismiss the protest because a protester's challenge to the awardee's ability to perform the contract is generally not reviewed by our Office.

A determination that a bidder or offeror is capable of performing a contract is based, in large measure, on subjective judgments which generally are not susceptible to reasoned review. Thus, an agency's affirmative determination of a contractor's responsibility will not be reviewed by our Office 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. 4 C.F.R. § 21.3(m)(5); King-Fisher Co., B-236687.2, Feb. 12, 1990, 90-1 CPD ¶ 177. Where, as here, there is no showing of possible fraud or bad faith, or that definitive responsibility criteria have been misapplied, we have no basis to review the protest.

*Ronald Berger*

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