



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Advanced Development & Manufacturing Corporation

**File:** B-258692

**Date:** November 8, 1994

### DECISION

Advanced Development & Manufacturing Corporation protests the award of a contract to Saturn Industries Incorporated by the Defense Logistics Agency under solicitation No. SPO770-94-R-7857 for aluminum alloy die forgings.

Two offers were received by the amended closing date of June 28, 1994. Advanced and Saturn submitted their offers and acknowledged amendment No. 001 requesting "best obtainable delivery for the acquisition." Award was made to Saturn based on an accelerated delivery schedule. Advanced challenges Saturn's ability to meet the 180-day delivery schedule proposed since the only source for the forgings, Kaiser Aluminum, quoted Advanced a longer delivery schedule.

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. Neither situation is present here.

For the protester's information, we point out that the agency advises that Saturn did in fact obtain a quote from Kaiser that permits meeting the 180-day delivery schedule.

The protest is dismissed.

  
Ronald Berger  
Associate General Counsel