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United States  
General Accounting Office  
Washington, D.C. 20548

Office of the General Counsel

B-225611.3

February 19, 1987

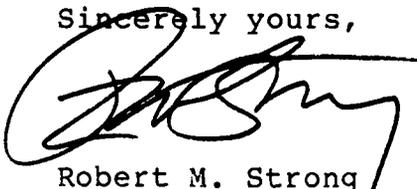
The Honorable Stan Parris  
Member, United States House of  
Representatives  
6901 Old Keene Mill Road #101  
Springfield, Virginia 22150

Dear Mr. Parris:

This is in reference to your letter of February 5, 1987, concerning the protest of District Moving & Storage, Inc., against the award of a contract to your constituent, American Eagle Transportation Services, Inc. of Springfield, Virginia, under solicitation No. DAHC-30-87-B-0008, issued by the Department of the Army.

We dismissed the protest, which was based on the allegation that American Eagle lacked appropriate operating authority from the Interstate Commerce Commission to be able to perform the transportation services required by the solicitation, on February 3, 1987. The reason for our action was that an agency's determination as to whether a bidder has the ability to perform a contract is based in large measure on subjective judgments which generally are not readily susceptible to reasoned review. We therefore do not review, under our Bid Protest Regulations, an affirmative determination in that regard absent a showing of possible fraud or bad faith on the part of procuring officials or that definitive responsibility criteria in the solicitation were not met, neither of which was involved in the protest.

Sincerely yours,



Robert M. Strong  
Deputy Associate  
General Counsel

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