

**DECISION**

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

FILE: B-185740  
MATTER OF: Z.A.N. Company

DATE: March 4, 1976

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**DIGEST:**

Contracting officer's determination that protesting concern was nonresponsible--based on negative award recommendation and findings of preaward survey--must be regarded as having been affirmed by Small Business Administration's refusal to issue certificate of competency to concern.

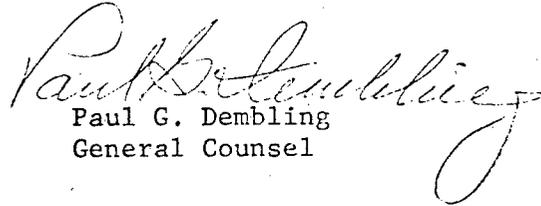
The Z.A.N. Company (Z.A.N.) protests the rejection of its low, responsive bid under invitation for bids No. DAAJ01-76-B-0119, issued by the United States Army Aviation Systems Command, St. Louis, on the basis that it is a nonresponsible bidder.

Subsequent to bid opening, a preaward survey was performed on Z.A.N. The survey resulted in a recommendation that no award be made to that firm because of the firm's unsatisfactory production capability, its unsatisfactory performance record, and its inability to meet the required delivery schedule. In view of this recommendation, the contracting officer determined Z.A.N. to be nonresponsible because it lacked the necessary capacity to perform any resultant contract. He further determined that the issue should properly be referred to the Small Business Administration (SBA) for possible issuance of a certificate of competency (COC). The SBA declined to issue a COC to Z.A.N. for basically the same reasons that had caused Z.A.N. to be found nonresponsible.

Under 15 U.S.C. § 637(b)(7) (1970), the SBA has the authority to issue or deny a COC. Our Office has no authority to review SBA determinations or to require the SBA to issue a COC or to reopen a case when a COC has been denied. Unitron Engineering Company, B-181350, August 20, 1974, 74-2 CPD 112; 51 Comp. Gen. 448 (1972). Consequently, the contracting officer's determination here must be regarded as having been affirmed by the SBA, and the determination must be accepted by our Office. Environmental Tectonics Corporation, B-183450, November 13, 1975, 75-2 CPD 301; Zinger Construction Company, Inc., B-185390, December 16, 1975, 75-2 CPD 397.

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Accordingly, the protest is denied.

  
Paul G. Dembling  
General Counsel