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L. Kozlakowski  
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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20540**

**FILE: B-188060**

**DATE: January 24, 1977**

**MATTER OF: Commercial Envelope Manufacturing Company, Inc.**

**DIGEST:**

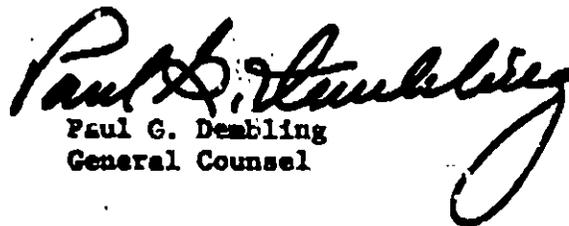
Where small business concern is found to be nonresponsible bidder by procuring agency, GAO has no authority to review COC determination, to require SBA to issue COC, or to reopen case if COC is denied.

Commercial Envelope Manufacturing Company, Inc. (CEM), protests against the rejection of its low bid under solicitations Nos. SFO-FPOP-FB-5429-AL and SFO-FPOP-FE-54681-A, issued by the General Services Administration.

The contracting officer determined CEM nonresponsible because the company had filed bankruptcy proceedings. Since CEM is a small business, the question of the company's capacity and/or credit has been appealed to the Small Business Administration (SBA).

In this regard, the SBA has the authority to issue or deny a certificate of competency (COC) and our Office has no authority to review an SBA determination, to require issuance of a COC, or to reopen a case if a COC is denied. Zinger Construction Company, Inc., B-185390, December 16, 1975, 75-2 CPD 397, and cases cited in text. Additionally, we have consistently held that the refusal by SBA to issue a COC must be viewed as an affirmation of the contracting officer's negative determination even though the denial was made for reasons other than those relied upon by the contracting officer. Zinger Construction, supra.

Consequently, our Office will not consider the merits of the protest.

  
Paul G. Dembling  
General Counsel