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DECISION



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

FILE: B-188379

DATE: February 28, 1977

MATTER OF: Lulejian & Associates, Inc.

DIGEST:

Rejection of low small business proposal where SBA declined to issue certificate of competency is not matter for resolution pursuant to GAU's bid protest function.

This is a protest by Lulejian & Associates, Inc. (Lulejian), concerning the rejection of its proposal under request for proposals No. F04704-76-R-0023 issued by the Space and Missile Systems Organization, Norton Air Force Base, California.

Lulejian was found to be nonresponsible by the contracting officer. Since Lulejian is a small business concern, the matter was referred to the Small Business Administration (SBA) pursuant to Armed Services Procurement Regulation (ASPR) § 1-705.4 (1976 ed.) for a determination as to whether a Certificate of Competency (COC) would be issued. Pursuant to 15 U.S.C. 637(b)(7) (1970), SBA is empowered to certify conclusively to Government procurement officials with respect to the competency and credit of any small business concern to perform specific Government contracts. SBA declined to issue Lulejian a COC for this contract.

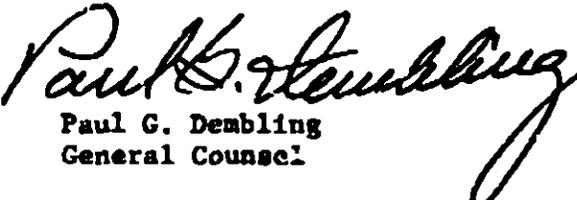
Lulejian believes the denial of the COC was arbitrary, capricious and unreasonable and based on an erroneous interpretation of SBA's regulations.

Our Office does not involve itself in protests concerning rejection of a small business proposal in which SBA has refused to issue a COC. This is so because the statute which established the administrative process for conclusively determining the capacity and credit of a small business concern places the primary jurisdiction therefor in the SBA. Accordingly, this Office does not review SBA determinations in such matters and we have no authority to

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require SBA to reopen a case or issue a COC. Trilon Educational Corporation, B-184973, July 16, 1976, 76-2 CPD 49.

Therefore, any further review of this matter would serve no useful purpose.


Paul G. Denbling
General Counsel