

DOCUMENT RESUME

01652. - [A1051926]

[Inflated Products Company's Protest against Any Other Bidder on a Department of the Army Contract]. B-188592. April 1, 1977. 1 pp.

Decision re: Inflated Products Co., Inc.; by Paul G. Deabling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1200).

Contact: Office of the General Counsel.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Department of the Army.

Authority: 15 U.S.C. 637 (b) (7). A.S.P.R. 1-705.4. B-188660 (1977).

Company contended that it is the low bidder on an Army contract and protested any award to another bidder. The Department of the Army determined that the company is nonresponsible. The matter has been left to the Small Business Administration to determine the company's competency. (OH)

01652

DECISION



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

FILE: B-188592

DATE: April 1, 1977

MATTER OF: Inflated Products Company, Inc.

DIGEST:

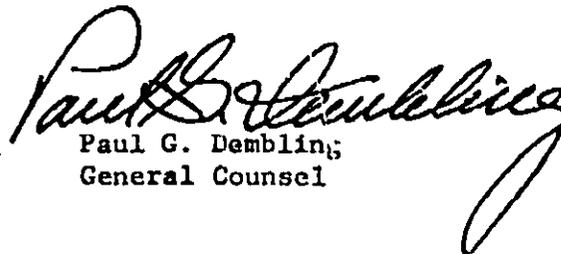
Protest filed after contracting officer determined firm nonresponsible and prior to ruling by SBA regarding issuance of certificate of competency (COC) is not for consideration, since GAO has no authority to review COC determination, to require SBA to issue COC, or to reopen case if COC is denied.

Inflated Products Company, Inc. (Inflated), protests any award to any other bidder under invitation for bids (IFB) DAAK01-77-B-5093 issued by the Department of the Army. Inflated contends that it is the low responsive and responsible bidder and states that it intends to file for a certificate of competency (COC) from the Small Business Administration (SBA).

We have been informally advised by a representative of the Department of the Army that Inflated was determined to be nonresponsible by the contracting officer. Because of Inflated's small business status, the matter was referred to SBA pursuant to Armed Services Procurement Regulation (ASPR) § 1-705.4 (1976 ed.) for review and consideration whether Inflated should be issued a COC for the procurement.

Under 15 U.S.C. § 637(b)(7) (1970), SBA has the authority to issue or deny a COC. Our Office is not authorized to review SBA determinations or to require SBA to issue a COC or to reopen a case if a COC is denied. Commercial Envelope Manufacturing Company, Inc., B-188060, January 24, 1977, 77-1 CPD 50.

Accordingly, the protest is dismissed.


Paul G. Dembling
General Counsel