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**DECISION**

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

**FILE: B-189925**

**DATE: November 7, 1977**

**MATTER OF: Dunlin Corporation**

**DIGEST.**

Small business' protest of agency's finding that it is nonresponsible is dismissed where matter has been referred to SBA for final disposition under Section 501 of P.L. 95-89.

Dunlin Corporation (Dunlin), a small business, has protested the U.S. Navy's determination that Dunlin has been unable to demonstrate its responsibility to perform under solicitations No. NOO104-77-B-0773 and NOG104-77-B-C774.

Section 501 of P.L. 95-89, 91 Stat. 561, amending Section 8(b) of the Small Business Act of 1958, states that the Small Business Administration (SBA) is empowered in its discretion:

"To certify to Government procurement officers and officers engaged in the sale and disposal of Federal property, with respect to all elements of responsibility, including but not limited to capability, competency, capacity, credit, integrity, perseverance, and tenacity, of any small business concern or group of such concerns to receive and perform a specific Government contract. A Government procurement officer or an officer engaged in the sale and disposal of Federal property may not, for any reason specified in the preceding sentence, preclude any small business concern or group of such concerns from being awarded such contract without referring the matter for final disposition to the Administration."

The Navy has advised us that the matter has been referred to SBA for final disposition.

Accordingly, the protest is dismissed.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel