

**DECISION**

W. W. [unclear] in  
P. cc. I

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

04701

FILE: 8-190688

DATE: December 23, 1977

MATTER OF: James London &amp; Associates

**DIGEST.**

Where small business concern is found to be nonresponsible bidder by contracting activity, denial of COC is viewed as affirmation of nonresponsibility determination, and GAO does not review COC determinations and will not require SBA to issue COC or reopen case absent showing that material evidence was not considered.

By letter dated November 15, 1977, James London & Associates (London) has protested its rejection as a nonresponsible bidder under invitation for bids (IFB) F08651-77-B-9238 for interior painting of housing, issued by Eglin Air Force Base, Florida.

London was notified by the contracting officer that it was nonresponsible. According to London, it was advised by the Small Business Administration (SBA) Atlanta Regional Office that its application for a certificate of competency (COC) had been considered and that SBA would take no further action with respect to the application. Apparently, London is confused as to the basis and effect of SBA's action.

We have been advised by the Air Force that the matter of London's responsibility had been referred to SBA, and SBA had declined to issue a COC, because of London's lack of capacity and credit, rather than lack of tenacity and perseverance as London speculates.

Our Office will not question a contracting officer's determination that a small business concern is nonresponsible where that determination has been affirmed by the SBA through the denial of a COC. Further, under 15 U.S.C. § 637(b)(7) (1970), as amended by § 501 of Pub. L. 95-89, 91 Stat. 553, August 4, 1977, the SBA has the authority to issue or deny a COC, and our Office does not review an SBA determination, require the issuance of a COC, or request the reopening of a case where a COC has been

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denied and there is no showing that material evidence was not considered. Air-O-Plastic Corporation, B-189932, September 15, 1977, 77-2 CPD 194; Zinger Construction Company, Inc., B-185390, December 16, 1975, 75-2 CPD 397, and cases cited therein.

Accordingly, the protest is dismissed.

  
Paul G. Dembling  
General Counsel