

5360.



*J. Van Buren Proc I*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

FILE: B-191183

DATE: February 14, 1978

MATTER OF: Jet International, Inc.

**DIGEST:**

Contracting officer's determination of non-responsibility of small business concern, which did not avail itself of opportunity to file for SBA certificate of competency, will not be reviewed since that would amount to substitution of agency specifically authorized by statute to review determination.

Jet International, Inc. (Jet), has protested to our Office a finding of nonresponsibility by the Department of the Navy under solicitation No. N00600-77-R-5022.

We have been advised that the Navy referred the matter to the Small Business Administration (SBA) for consideration of the possible issuance of a certificate of competency (COC). SBA has informed our Office that Jet failed to file an application for a COC within the required time limit and that SBA has closed its file on the matter.

A small business which fails to file a COC application with SBA does not avail itself of the possible relief provided by statute and regulation to afford small business concerns a degree of protection against unreasonable determinations as to its responsibility by contracting officers. In such circumstances, our Office will not undertake a review of a contracting officer's determination of nonresponsibility since such action would, in effect, amount to a substitution of our Office for the agency specifically authorized by statute to review such decisions. West Electronics, Inc., B-182254, January 22, 1975, 75-1 CPD 42.

Accordingly, the protest is dismissed.

*for* *Shilton J. Aorstan*  
Paul G. Dembling  
General Counsel