

DECISION



R. K. Hines PLZ
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20540

P184

FILE: B-192676

DATE: November 2, 1978

MATTER OF: 5th Generation Systems, Inc.

DIGEST:

Where small business concern is found to be nonresponsible by procuring activity, subsequent denial of certificate of competency by Small Business Administration is viewed as affirmation of nonresponsibility determination which is final and not for review by GAO.

The General Services Administration (GSA) issued solicitation No. 7PF-51661/8W/7AV for the procurement of keypunching and related services. 5th Generation Systems, Inc. (5th Generation), submitted the low offer.

The contracting officer determined that 5th Generation was nonresponsible. The Small Business Administration (SBA) subsequently declined to issue a certificate of competency (COC) to 5th Generation. 5th Generation protests the determinations made by GSA and SBA, and it requests a conference on the merits of its protest.

SBA's denial of a COC is an affirmation of the contracting officer's determination that 5th Generation is nonresponsible. Our Office will not question a contracting officer's determination that a small business concern is nonresponsible where, as here, that determination has been affirmed by SBA's denial of a COC because, by law, disposition of the matter by SBA is final. Mainline Carpet Specialists, Inc., B-188792, June 8, 1977, 77-1 CPD 413; SMR Corporation, B-192585, August 29, 1978, 78-2 CPD 153.

5th Generation has informally advised our Office that there were 28 mistakes in GSA's report to SBA regarding its nonresponsibility. 5th Generation's allegation and supporting data in this regard should be sent to GSA so that the contracting officer and SBA may reevaluate 5th Generation's responsibility. Inflated Products Company, Inc., B-189115, October 31, 1977, 77-2 CPD 334.

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Accordingly, 5th Generation's request for a conference is denied and its protest is dismissed.

Milton J. Austin
for Paul G. Dembling
General Counsel