

8190

DECISION



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

FILE: B-193055

DATE: November 3, 1978

MATTER OF: Marine Inventory Surveyors

DIGEST:

1. Rejection of low small business bidder as nonresponsible where Small Business Administration declined to issue bidder Certificate of Competency is not reviewable by GAO.
2. Where initial protest correspondence raises issues not reviewable by GAO, no useful purpose is served by further development under Bid Protest Procedures, and summary dismissal is in order.

Marine Inventory Surveyors protests the rejection of its low bid under solicitation No. N00600-78-B-1276, issued by the Washington Navy Yard, Department of the Navy.

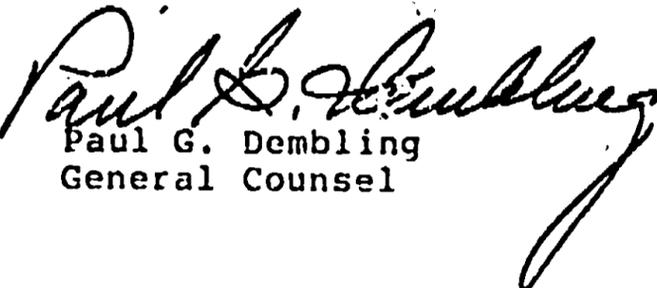
The protester argues that it has not received a fair and proper evaluation of its ability to perform the work, and that its ultimate rejection was a certainty from the outset. Moreover, the protester believes that even though its price was low for work described in two lots in the solicitation, that is work required on the east and west coasts respectively, its ability to perform the combined work of both lots was not adequately considered.

Navy's contracting officer found Marine Inventory to be nonresponsible after review of, and concurrence in, the negative recommendation and findings of a pre-award survey team. Since Marine Inventory is a small business concern, the matter was referred to the Small Business Administration (SBA) for a determination as to whether a Certificate of Competency (COC) would be issued. SBA subsequently declined to issue Marine Inventory a COC for the instant procurement and this protest ensued.

Under 15 U.S.C. § 637(b)(7) (1976), as amended by Pub. L. 95-89, § 501, 91 Stat. 561, August 4, 1977, the SBA has the authority to issue or deny a COC. Our Office will not review an SBA determination, require issuance of a COC, or require reopening of a case when a COC has been denied. Semco, Inc., B-192623, August 28, 1978, 78-2 CPD 147; Clarksburg Coating Corporation, B-189418, September 2, 1977, 77-2 CPD 172. Further, we have held that when a bidder is denied a COC, the contracting officer's determination of non-responsibility must be regarded as having been affirmed by the SBA, and, as such, is not subject to question by our Office. Air-O-Plastic Corporation, B-189932, September 15, 1977, 77-2 CPD 194. Moreover, it appears that Marine Inventory provided both the procuring agency and the SBA information pertaining to its ability to perform both lots and we therefore must decline to consider whether it is able to successfully perform the work. See West Electronics, Inc., B-190173, February 10, 1978, 78-1 CPD 118.

In view of the fact that the initial protest correspondence raises issues which are not reviewable by this Office, no useful purpose would be served in further development of this case pursuant to our Bid Protest Procedures, 4 C.F.R. Part 20 (1978). However, we note that under SBA's regulations, a firm which has been denied a COC may request a meeting with SBA to discuss the reasons for denial for the purpose of enabling the applicant to improve or correct its capacity or credit for future procurement. 13 C.F.R. § 124.8-16(d) (1978).

Accordingly, the protest is summarily dismissed.


Paul G. Dembling
General Counsel