

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

9252

FILE: B-193982

DATE: March 1, 1979

MATTER OF: Saturn Systems, Inc.

DIGEST:

*[Protest of Refusal by SBA to Issue Certificate
of Competency]*

Under 15 U.S.C. § 637(b)(7), Small Business Administration (SBA) has authority to issue or deny certificate of competency (COC) and GAO will not review SBA determination, require issuance of COC, or require reopening of case when COC has been denied.

Saturn Systems, Inc. (Saturn) protests the refusal of the Small Business Administration (SBA) to issue it a certificate of competency (COC) in connection with request for proposals DE-RPO5-79-OR-10004 issued by the Department of Energy (DOE), Oakridge, Tennessee.

The denial of the COC was after DOE determined Saturn to be nonresponsible. Saturn argues that various changes have been made in its organization, management and personnel, of which SBA was fully aware, to correct the problems DOE found and that SBA's denial of the COC is contrary to the evidence SBA had before it.

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. While our Office has requested SBA to reopen a case where information materially affecting the determination of nonresponsibility was not taken into consideration, SBA was aware of the relevant facts here. Cf. Harper Enterprises, 53 Comp. Gen. 496 (1974), 74-1 CPD 31.

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Accordingly, the protest is dismissed and, therefore, the request for a conference on the merits is denied. Rushton Industrial Construction, B-191825, June 12, 1978, 78-1 CPD 427.



Milton J. Socolar
General Counsel