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DECISION



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

[Protest of Agency Determination of Nonresponsibility] 10,469

FILE: B-194863

DATE: June 15, 1979

MATTER OF: Industrial Steel, Inc. *DLG 01823*

DIGEST:

Where contracting officer has determined small business bidder to be nonresponsible and has referred matter to Small Business Administration (SBA) for possible issuance of Certificate of Competency, our Office will not consider protest since SBA has statutory authority to conclusively determine responsibility of small business bidder.

Industrial Steel, Inc. (Industrial), protests the contracting officer's determination that it is a non-responsible bidder and thus ineligible for award under an National Aeronautics and Space Administration invitation for bids No. 10-0042-9. We have been advised that the contracting officer has forwarded his determination to the Small Business Administration (SBA) for its review and for the possible issuance of a Certificate of Competency (COC).

[The final determination as to whether a small business bidder is responsible for a particular procurement is made by the SBA under its COC procedures.] See 15 U.S.C. § 637(b)(7) (1976), as amended by Pub. L. 95-89, 91 Stat. 553. Our Office has declined to review the SBA's determination, to require issuance of a COC, or to reopen a case when a COC has been denied. See, e.g., Precision Electronics Labs, B-186751, October 29, 1976, 76-2 CPD 369; Specialty Tools, Inc., B-193649, February 16, 1979, 79-1 CPD 119.

Accordingly, we will not consider the Industrial protest.

Milton J. Socolar
General Counsel

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