

PL-I

DECISION



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

10,540

FILE: B-194868
B-194870

DATE: June 21, 1979

MATTER OF: United Security, Inc. ¹⁸⁸⁷ ~~510102~~

DIGEST:

1. GAO will not consider protests concerning contracting officer's determination that small business bidder is nonresponsible as to financial capacity where contracting officer has referred matter to Small Business Administration (SBA) for possible issuance of certificate of competency (COC) because SBA has statutory authority to conclusively determine responsibility of small business bidder.
2. Protester's request for conference on merits of protests, which GAO will not consider, is denied because conference would serve no useful purpose.

United Security, Inc. (United), a small business concern, protests against the award of a contract to any other bidder under invitations for bids (IFB) Nos. 03C8117201 (IFB-201) and 03C811701 (IFB-101) issued by the General Services Administration (GSA), Public Buildings Service.

Both IFB's are total small business set-asides for security guard services for Government buildings in Washington, D.C. IFB-201 was issued on February 8, 1979, and IFB-101, on March 9, 1979; United was the low bidder on both solicitations at the bid openings held on March 6 and April 4, 1979, respectively.

The GSA contracting officer has, however, determined United to be nonresponsible as to financial capacity and has referred this matter to the Small Business Administration (SBA) pursuant to Federal Procurement Regulations § 1-1.708-2(a)(2) (1964 ed. amend. 192).

[Protest Against Agency Determination of Nonresponsibility] ~~05662~~

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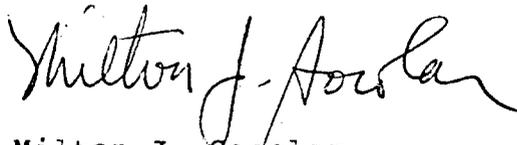
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The final determination as to whether a small business bidder is responsible for the purposes of a particular procurement is made by the SBA under its Certificate of Competency (COC) program. See 15 U.S.C. § 637(b)(7) (1976), as amended by Pub. L. No. 95-89, 91 Stat. 553. Under SBA's procedures, United will have an opportunity to establish its entitlement to a COC. See 13 C.F.R. § 124.8-16 (1978).

Because our Office has no authority to review 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, our consideration of United's protests would serve no useful purpose. Specialty Tools, Inc., B-193649, February 16, 1979, 79-1 CPD 119.

The protester's request for a conference on the merits of the protests pursuant to 4 C.F.R. § 20.7(a) (1978) is denied because it would be equally unavailing in light of our determination regarding the nature of the protests.

The protests are dismissed.



Milton J. Soqolar
General Counsel