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DECISION



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

FILE: B-195324

DATE: September 5, 1979

MATTER OF: K.B.M., Inc.

DLG 02699

DIGEST: [Protest Involving Bid Rejection]

Where contracting officer has determined small business bidder to be nonresponsible and has referred matter to Small Business Administration (SBA) for possible issuance of COC, our Office will not consider protest, absent prima facie showing of fraud or willful disregard of facts, since SBA has statutory authority to conclusively determine responsibility of small business bidder.

K.B.M., Inc. (K.B.M.), protests the rejection of its bid submitted pursuant to invitation for bids (IFB) No. 4PBO-42, issued by the General Services Administration (GSA), for cleaning services at the United States Post Office and Courthouse, Tallahassee, Florida. GSA advises that the basis for the rejection of K.B.M.'s bid was the contracting officer's determination that K.B.M. was nonresponsible "due to its inadequate financial resources." Our Office has also been advised that this matter has been forwarded 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 & Supp. I 1977). Our Office has declined to review the SBA's determination, unless the protester has made a prima facie showing of fraud or willful disregard of facts. Old Hickory Service, Inc. B-192906.2, February 9, 1979, 79-1 CPD 92. *Therefore protest was not considered by GAO.*

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Accordingly, we will not consider the K.B.M.
protest.

Harry D. Van Cleave
for Milton J. Socolar
General Counsel