

DECISION

12105 *Liberman*
Trans
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-196536

DATE: November 23, 1979

MATTER OF: Cassidy Cleaning, Incorporated

*DLG02898***DIGEST:**

GAO will not review Small Business
Administration determination to deny
Certificate of Competency absent
prima facie showing of fraud or
willful disregard of facts as to
imply bad faith.

Cassidy Cleaning, Incorporated (Cassidy) protests
the General Services Administration's (GSA) "rejection
of its bid" under invitation for bids No. GS-03C91208.
We have been advised that GSA determined Cassidy to be
nonresponsive and referred the matter to the Small
Business Administration (SBA) for review and possible
issuance of a Certificate of Competency (COC). By
letter dated October 18, 1979, the SBA affirmed GSA's
determination of nonresponsibility and declined to
issue a COC.

*AGC000017**AGC000002*

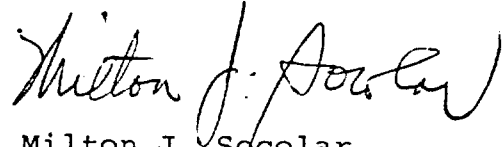
This is a case from which it is clear from the
initial record that the protest is without legal merit,
and we will therefore decide the matter on the basis
of this information without requesting a report from
the contracting agency. See National Ambulance and
Escort Service, Inc., B-196511, November 8, 1979,
79-2 CPD ____.

SBA has conclusive authority by law to make final
determinations of responsibility for small business
concerns under a particular procurement pursuant to its
COC procedures. See J. Baranello and Sons, 58 Comp.
Gen. 510 (1979), 79-1 CPD 322. Our Office generally
does not review such SBA determinations unless there
is a prima facie showing of fraud or willful disregard
of facts as to imply bad faith. Old Hickory Services,
B-192906.2, February 9, 1979, 79-1 CPD 92. See also
Specialty Tools, Inc., B-193980, April 15, 1979, 79-1
CPD 239; Semco, Inc., B-192623, August 28, 1978, 78-2
CPD 147. There is no such showing in this case.

[Protest INVOLVING Bid REJECTION]

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The protest is dismissed.

A handwritten signature in dark ink, appearing to read "Milton J. Socolar". The signature is fluid and cursive, with a large, sweeping "M" and a long, trailing "S" that loops back.

Milton J. Socolar
General Counsel