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PA-1.  
Cummings

**DECISION**



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

FILE: B-197246

DATE: March 31, 1980

MATTER OF: Sillco, Inc. CPC 00919

*[Protest Against Nonresponsibility Determination]*

**DIGEST:**

GAO will not review contracting officer's determination of nonresponsibility where small business bidder does not file for certificate of competency from Small Business Administration, since review would result in substitution of GAO for agency specifically authorized by statute to review determination.

Sillco, Inc., has protested the decision of the contracting officer, Fort Sill, Oklahoma, that the company was not responsible under solicitation DABT39-79-B-0220. DL03067

The Army has informed us that the contracting officer's determination was referred to the Small Business Administration (SBA) under the certificate of competency (COC) program. However, by letter of February 7, 1980, SBA informed the contracting officer that the company "declined to file for a COC." SBA ABC00002

It has been the position of our Office that a small business which fails to file an acceptable COC application with the SBA does not avail itself of the possible relief provided by statute and regulation to afford small business concerns a degree of protection against unreasonable determinations as to their responsibility by contracting officers. In these circumstances, our Office will not undertake a review of a contracting officer's determination of nonresponsibility since the review would, in effect, amount to a substitution of our Office for the agency specifically authorized by statute to review such decisions. Jet International, Inc., B-191183, February 14, 1978, 78-1 CPD 125.

Protest dismissed.

*for* Harry R. Van Cleave  
Milton J. Socolar  
General Counsel

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