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## DECISION

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

[Protest of Bid Rejection as Nonresponsive]

FILE: B-197044

DATE: April 1, 1980

MATTER OF: Gossette Contract Furnishers

## DIGEST:

Since, under 15 U.S.C. § 637(b)(7), Small Business Administration certificate of competency (COC) determinations are final, GAO ordinarily does not review COC determination.

Gossette Contract Furnishers (Gossette) protested the determination that its bid under General Services Administration (GSA) invitation for bids No. PBS-BMD-79-0009 was nonresponsive, the subsequent rejection of the bid, and the award to another bidder.

GSA determined after the award that the Gossette bid was actually responsive. Gossette, however, was found to be nonresponsive. GSA advises that it will send the matter to the Small Business Administration (SBA) for the possible issuance of a certificate of competency (COC). If a COC is issued, GSA will recommend that the awarded contract be terminated for the convenience of the Government and that an award be made to Gossette.

Under the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7) (Supp. I, 1977), and section 1-1.708-2(a)(2) of the Federal Procurement Regulations (1964 ed. amend. 192), no small business firm may be precluded from award because of nonresponsibility without referral of the matter to the SBA for a final disposition under the COC procedure. Since the law provides that the SBA COC determinations are final, our Office ordinarily does not review the determinations. The Forestry Account, B-193089, January 30, 1979, 79-1 CPD 68; Saturn Systems, Inc., B-193982, March 1, 1979, 79-1 CPD 141; Uniflite, Inc., B-197365, January 23, 1980, 80-1 CPD 67.

Accordingly, no action remains to be taken by this Office and the protest is dismissed.

Harry P. Osmo Clark

for Milton J. Socolar  
General Counsel

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