

DECISION



13572 PL-1 Mr. Has Further
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-197947

DATE: April 28, 1980

MATTER OF: D. P. Associates, Inc. DL604507

DIGEST:

Under 15 U.S.C. § 637(b)(7) Small Business Administration, not General Accounting Office, has exclusive authority to issue or deny certificate of competency to, and thus to make final determination as regards responsibility of, small business firm.

D. P. Associates, Inc. (Associates), protests an award to any firm other than itself on the bases that it submitted the low, responsive bid under Naval Supply Center (Charleston) invitation for bids No. N00612-79-B-0174 and that it is a responsible bidder. AG C02884

The contracting officer did not, as Associates apparently believes, find the Associates bid to be nonresponsive. However, due to questions as to the responsibility of Associates, the matter was forwarded to the Small Business Administration (SBA) for the possible issuance of a certificate of competency (COC). Apparently, a COC was issued (Associates is cognizant of this fact), and this has been appealed by the contracting activity, pursuant to Defense Acquisition Regulation (DAR) § 1-705.4(c) (Defense Acquisition Circular No. 76-19, July 27, 1979).

Under the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7)(Supp. I, 1977), and § 1-705.4(a) of DAR, 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. The SBA, not the General Accounting Office, has the exclusive authority to issue or deny a COC to, and thus to make the final and dispositive determination as regards the responsibility of, a small business concern. The Forestry Account, B-193089, January 30, 1979, 79-1 CPD 68; Saturn Systems, Inc., B-193982, March 1, 1979, 79-1 CPD 141.

[Protest Against Contract Award] 040015 112179

Accordingly, the protest is dismissed.

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