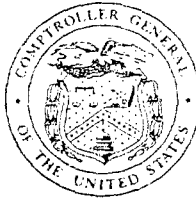


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DECISION



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

[Protest of Nonresponsibility Determination]

FILE: B-198422

DATE: April 29, 1980

MATTER OF: Fil-Coil Company, Inc.

DLG-04226

DIGEST:

A 98
A 2

Where contracting officer has determined small business bidder to be nonresponsive and has referred matter to Small Business Administration (SBA) for possible issuance of Certificate of Competency, GAO will not consider protest since SBA has statutory authority to conclusively determine responsibility of small business bidder.

Fil-Coil Company, Inc. (Fil-Coil) protests the contracting officer's determination that it is a nonresponsive bidder and thus ineligible for award under Marine Corps invitation for bids No. M67004-80-R-0048. We have been advised that Fil Coil is a small business and that the contracting officer has forwarded his determination to the Small Business Administration (SBA) for its review and for the possible issuance of a Certificate of Competency (COC).

This Office does not generally consider nonresponsibility determinations concerning small businesses, as the authority to conclusively determine whether a small business bidder is responsible for a particular procurement is vested by law in the SBA. 15 U.S.C. § 637(b)(7) (Supp. I 1977). Since the matter has been referred to the SBA in accordance with applicable law, and since we neither review the SBA's determination nor require either the issuance of a COC or reopening of a case by SBA when a COC has been denied, see Industrial Steel, Inc., B-194863, June 15, 1979, 79-1 CPD 427, the protest is dismissed.

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

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