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DECISION



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

FILE: B-199144

DATE: July 24, 1980

MATTER OF: Wilson and Hayes

DIGEST:

Where small business bidder has been found not responsible, matter is for determination by Small Business Administration (SBA) under Certificate of Competency (COC) procedures; GAO will not review such SBA determinations where protester fails to make prima facie showing of fraud or that information vital to responsibility determination has not been considered.

Wilson and Hayes protests the award of a contract for the construction of shipboard lockers to any other bidder under invitation for bids (IFB) No. N00189-80-B-0063, issued by the Naval Supply Center, Norfolk, Virginia (Navy). Although Wilson and Hayes was the apparent low bidder, the Navy determined the protester to be nonresponsible on the basis of a negative preaward survey report. This finding was affirmed when the Small Business Administration (SBA) subsequently declined to issue a Certificate of Competency (COC). Wilson and Hayes takes exception to a number of the statements which appear in the preaward survey report and contends that the Navy's nonresponsibility finding based upon that report was erroneous.

The final determination as to whether a small business bidder is responsible for a particular procurement is made by the Small Business Administration (SBA) under its COC procedures. 15 U.S.C. § 637(b)(7) (Supp. I, 1977). As a matter of policy, our Office generally will not review a contracting officer's


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[Protest Involving Bidder Responsibility]

determination of nonresponsibility where the determination has been affirmed by the SBA's denial of a COC, although we will consider a protest where there is a prima facie showing of fraud or where the record indicates that vital information has not been considered. Solarex Manufacturing Co., Inc., B-193664, January 22, 1979, 79-1 CPD 42; Mainline Carpet Specialists, Inc.--Reconsideration, B-188792, July 14, 1977, 77-2 CPD 27; JBS Construction Company, B-187574, January 31, 1977, 77-1 CPD 79.

Wilson and Hayes has not alleged fraud on the part of the Navy and we have found no evidence in the record that vital evidence was improperly disregarded in the course of the responsibility evaluation. The sole basis for the protest appears to be Wilson and Hayes' disagreement with statements made in the preaward survey report. This provides an insufficient basis for review and, thus, in accordance with the policy of this Office, we decline further consideration of this protest.

This protest is dismissed.


Milton J. Socolar
General Counsel