

DECISION



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

14950 14951 PLI

FILE: B-199719

DATE: September 18, 1980

MATTER OF: Fifth Generation Systems *DLG03984*

[Protect Against Agency Determination of Nonresponsibility]
DIGEST:

GAO will not review contracting officer's determination of nonresponsibility where small business bidder does not avail itself of opportunity to file for certificate of competency from Small Business Administration.

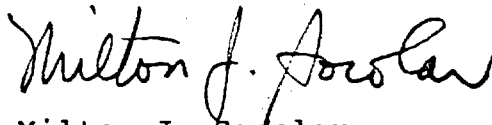
Fifth Generation Systems protests the rejection of its bid under invitation for bids No. F05600-80-B-0027 by the Department of the Air Force, Lowry Air Force Base, on the basis that it is a nonresponsible bidder. The protester believes the preaward survey, which was the basis for the finding of nonresponsibility, was conducted by a technically unqualified person who did not understand the computerized quality control system used by the protester. *DLG03204*

We have been advised by the contracting agency that Fifth Generation Systems is a small business concern. Under the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7) (Supp. I, 1977), and the applicable section of the Defense Acquisition Regulation, § 1-705.4(c) (1976 ed.), no small business concern may be precluded from award because of nonresponsibility without referral of the matter to the Small Business Administration (SBA) for a final disposition under the certificate of competency (COC) procedure regardless of the basis for the nonresponsibility finding. The SBA is empowered to certify conclusively to Government procurement officials with respect to all elements of responsibility. Com-Data, Inc., B-191289, June 23, 1978, 78-1 CPD 459; The Forestry Account, B-193089, January 30, 1979, 79-1 CPD 68; Angelo Warehouses Co., B-196780, March 28, 1980, 80-1 CPD 228.

113355
~~012089~~

We also have been advised by the Air Force that the question of Fifth Generation Systems' responsibility was referred to the SBA for consideration under the COC procedure and the bidder failed to file a COC application. We will not undertake a review of a contracting officer's determination of nonresponsibility because the SBA is the agency specifically authorized by statute to review such decisions. Comspace Corporation, B-196986.2, February 5, 1980, 80-1 CPD 93.

The protest is dismissed.

A handwritten signature in dark ink, reading "Milton J. Socolar". The signature is written in a cursive, flowing style with a large initial "M".

Milton J. Socolar
General Counsel