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Mr. Roberts

DECISION



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

Protest Against Determination of Nonresponsibility

FILE: B-202550

DATE: April 24, 1981

MATTER OF: Freund Precision, Inc.

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 with Small Business Administration.

Freund Precision, Inc., the low bidder under solicitation No. DAAA09-80-B-0228 issued by the U.S. Army Armament Materiel Readiness Command protests the contracting officer's determination that it was nonresponsible and the subsequent award to another bidder.

The contracting officer determined Freund to be nonresponsible after review of a negative pre-award survey. Because Freund is a small business, the Army referred the matter to the Small Business Administration (SBA) for a determination as to whether a Certificate of Competency (COC) would be issued. Freund declined to file an application for a COC but instead requested a second pre-award survey insisting that the original survey's result was based on erroneous information. SBA procedures were suspended and a second survey was performed with the same negative recommendation resulting. Freund nonetheless refused to submit the necessary COC information to the SBA, and the SBA subsequently closed its file in the matter without issuance of such a certificate.

It is the responsibility of the small business firm concerned to file a complete and acceptable COC application with the SBA in order to avail itself of the possible protection provided by statute and regulation against

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unreasonable determinations by contracting officers as to its responsibility. Greenbrier Industries, Inc., B-191380, April 24, 1978, 78-1 CPD 315. Where a small business firm does not avail itself of that opportunity, we will not review the contracting officer's determination of nonresponsibility since such action would amount to a substitution of this Office for the agency specifically authorized by statute to review such decisions. Jet International, Inc., B-191183, February 14, 1978, 78-1 CPD 125.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel