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DECISION



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

FILE: B-202517.2

DATE: June 1, 1981

MATTER OF: Whitey's Welding and Container Repair, dba
Richmond Drydock and Marine Repair

DIGEST:

06758

GAO does not review Small Business Administration refusal to issue certificate of competency unless protester makes prima facie showing of fraud or demonstrates that information vital to responsibility determination was not considered.

Whitey's Welding and Container Repair, dba Richmond Drydock and Marine Repair (Richmond), protests the rejection of its bid submitted pursuant to invitation for bids (IFB) No. N00033-81-B-0002, issued by the Department of the Navy, Military Sealift Command (Navy), for overhaul and civilian modification conversion of the USNS Kilauea.

The record indicates that the basis for rejection of Richmond's bid was essentially that substantial deficiencies in management, production, facilities and financial capabilities existed. This matter was referred to the Small Business Administration (SBA) for its review and for the possible issuance of a certificate of competency (COC). By letter dated May 8, 1981, the SBA refused to issue a COC.

Richmond's protest to our Office essentially questions the Navy's preaward survey, which led to the Navy's determination of nonresponsibility, and SBA's failure to issue a COC. The SBA has authority under its COC procedures to issue final determinations on whether small business concerns are responsible to receive and perform specific Government contracts. 15 U.S.C. § 637(b)(7) (Supp. I 1977); See Hub Testing Laboratories, B-199368, September 18, 1980, 80-2 CPD 204. As a result, our Office has consistently declined to review a contracting officer's determination of nonresponsibility where the determination has been

017108 115392 competency

affirmed by the SBA's denial of a COC unless the protester makes a prima facie showing of fraud or the record indicates that vital information relevant to the protester's responsibility has not been considered. Delta Lighting Corp., B-201225, April 10, 1981, 81-1 CPD 278; Wilson and Hayes, B-199144, July 24, 1980, 80-2 CPD 66.

Richmond does not allege fraud. In addition, the record does not indicate that vital information concerning Richmond's responsibility was not considered by the Navy or the SBA. Accordingly, we will not consider Richmond's protest.


Harry R. Van Cleve
Acting General Counsel