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DECISION



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

FILE: B-204555

DATE: September 18, 1981

MATTER OF: Global Crane Institute

DIGEST:

Contracting officer's signing of contract constitutes affirmative determination of responsibility which GAO will not review in absence of showing of fraud on part of procuring officials or allegation of failure to apply definitive responsibility criteria.

Global Crane Institute protests the award of a contract to the James Company Consultants-Engineers under request for proposals No. DAAH03-81-R0103, issued by the U.S. Army Missile Command, Redstone Arsenal, Alabama. A \$13,500 contract was awarded to the James Company on August 7, 1981. We are dismissing the protest.

Global Crane questions the failure of the procuring activity to request a certificate of competency (COC) from the Small Business Administration (SBA). The protester alleges that the James Company is a wholly-owned subsidiary of the United States Crane Certification Bureau, Inc., and that both firms and their owner are under investigation by a Federal grand jury, as well as by the inspector generals of the General Services Administration and the National Aeronautics and Space Administration and by the Wage and Hour Division of the Department of Labor.

It appears that a COC was not requested (1) because the James Company was not a small business and (2) because the contracting officer found it responsible. The COC procedure would have been followed only if the contracting officer had found that the firm was a nonresponsible small business. In that event, referral to the SBA would have been required. Defense Acquisition Regulation (DAR) § 1-705.4(c) (1976 ed.).

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The contracting officer's signing the contract constituted an affirmative determination of the James Company's responsibility. DAR § 1-904.1; Klein-Sieb Advertising & Public Relations, Inc., B-194553.2, March 23, 1981, 81-1 CPD 214 at 5. Our Office does not review such determinations in the absence of a showing of fraud on the part of procuring officials or an allegation of failure to apply definitive responsibility criteria. Id. Neither is present here.

The protest therefore is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel