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**DECISION**



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

FILE: B-207846

DATE: June 29, 1982

MATTER OF: Gavco Corporation

**DIGEST:**

Small Business Administration (SBA) has authority to conclusively determine that small business concern is responsible. GAO generally will not review SBA determination to issue or not to issue Certificate of Competency (COC) absent prima facie showing of fraud or willful disregard of facts.

Gavco Corporation protests the award of a contract under solicitation No. DACA65-82-B-0020 for a barricade replacement by the Corps of Engineers, Norfolk District. Gavco states that although it was the low bidder under the solicitation, it was not awarded the contract because, following a referral by the contracting officer, the Small Business Administration (SBA) declined to issue it a Certificate of Competency (COC). Gavco is of the opinion that SBA placed undue emphasis upon two recent contracts under which Gavco had experienced some difficulty and did not adequately consider other contracts which the firm successfully completed.

The SBA has conclusive authority to determine a small business firm's responsibility by issuing or refusing to issue a COC. 17 U.S.C. § 637(b)(7)(A) (Supp. III 1979). We will not question SBA's actions unless there is a prima facie showing of fraud or bad faith on the part of Government officials or SBA willfully did not consider certain vital information bearing on a small business bidder's responsibility, thereby implying bad faith. Triangle Electronics, B-206146,

B-207816

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February 3, 1982, 82-1 CPD 85. Such a showing has not been made in this case.

The protest is dismissed.

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