

Support PLT

118851

**DECISION**



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

**FILE: B-207520**

**DATE: July 1, 1982**

**MATTER OF: Hazel and Mabel's Maid and Cleaning  
Service**

**DIGEST:**

GAO will not question a contracting officer's nonresponsibility determination that has been affirmed by the SBA's refusal to issue a certificate of competency after affording bidder sufficient time to submit an acceptable application.

Hazel and Mabel's Maid and Cleaning Service (H&M) protests the rejection of its bid under invitation for bids (IFB) No. GSA-SI-BM-2-8A issued by the General Services Administration (GSA). H&M contends that the Small Business Administration (SBA) failed to consider all available information prior to denying it a certificate of competency (COC).

Based upon our review of the record, we deny the protest.

GSA has informally advised our Office that H&M's bid was rejected after the firm was found nonresponsible. Because H&M is a small business concern, GSA referred the nonresponsibility determination to the SBA for consideration under SBA's COC procedures, as required by 15 U.S.C. § 637(b)(7) (Supp. III, 1979). SBA has declined to issue a COC.

By letter of April 13, 1982, the SBA requested H&M to submit its completed COC application by the close of business April 21, 1982. On April 22, 1982, an SBA representative orally requested H&M to submit by April 26, 1982, additional information concerning possible "affiliates." H&M contends that on April 26, 1982, its firm submitted documentation believed to satisfy SBA's need for additional information. H&M states that on April 28, 1982, its firm supplied supplemental materials to SBA to support its contention that there were no "affiliates" to its firm.

On the same day, an SBA representative advised H&M by telephone and by letter that its application was denied because of untimely submission of requested information. H&M contends that it complied with the SBA timetables and therefore questions its determination of "untimely compliance."

With regard to the arrangements for completion and submission of the requisite forms, we have consistently held that this is a matter for determination by SBA. B-174970, February 29, 1972. In this regard, we have recognized that since an award determination is suspended pending SBA's consideration of a COC application, SBA must act expeditiously in processing these applications. B-173499, October 18, 1971. Since time is of the essence, a COC application must be submitted promptly, accurately, and in the required detail by the applicant.

The record indicates that the SBA sent H&M the necessary forms to complete for its COC application by letter dated April 13, 1982. The SBA application was required to be submitted by the close of business on April 21, 1982. The SBA also afforded H&M until April 26, 1982, to furnish necessary additional information orally requested on April 22, 1982. We have been informally advised by a representative of the SBA that H&M did not submit an acceptable application by the April 26, 1982, deadline. The practical effect of H&M's failure to furnish the necessary information in an acceptable manner within the established time limits is the same as if the firm had failed to file any application.

It has been the position of our Office that a small business which fails to file an acceptable COC application with SBA does not avail itself of the possible relief provided by statute and regulation to afford small business concerns a degree of protection against unreasonable determinations as to their capacity or credit by contracting officers. H&M has presented no evidence to show that either SBA or the procuring agency failed to consider all relevant information which was submitted prior to the April 26, 1982, deadline. Further, our Office will not question a contracting officer's determination

that a small business concern is nonresponsible where that determination has been affirmed by SBA's denial of a LOC. Vernitron Corporation, B-201832.4, September 25, 1981, 81-2 CPD 250.

Accordingly, the protest is dismissed.

*Harry R. Van Cleve*  
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Acting General Counsel