

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548****FILE:** B-207970.3**DATE:** November 22, 1982**MATTER OF:** Lew & Jill, Inc., d/b/a Great Bear of
N.W. 27th Avenue**DIGEST:**

GAO will not review the Small Business Administration's refusal to issue a certificate of competency absent a showing of fraud or bad faith.

Lew & Jill, Inc., d/b/a Great Bear of N.W. 27th Avenue (Lew & Jill), protests the Small Business Administration's (SBA) refusal to issue a certificate of competency (COC) which would establish Lew & Jill's responsibility under General Services Administration (GSA) invitation for bids No. GSD-4DPR-20012 which solicited bids for automobile transmission repairs.

We dismiss the protest.

GSA determined that Lew & Jill lacked the facilities and personnel to perform the work. Since Lew & Jill is a small business, the matter was referred to SBA for possible issuance of a COC. SBA, however, refused to issue a COC, stating that the "information submitted does not provide SBA with reasonable assurance that you could successfully perform the contract requirements from a production standpoint."

SBA has conclusive authority to determine the responsibility of a small business by issuing or declining to issue a COC. 15 U.S.C. § 637(b)(7)(A) (Supp. III, 1979). Thus, our office will not question a contracting officer's determination that a small business is nonresponsible where SBA affirms that determination by refusing to issue a COC. See Stoner - Caroga Corp., Inc., B-204307, August 26, 1981, 81-1 CPD 182. Nor will we question the SBA's refusal to issue a COC in the absence of a showing by the small business that the refusal stemmed from fraud or bad faith. See Dan's Janitorial Service & Supply, B-200360, January 22, 1981, 81-1 CPD 36. There is no evidence of fraud or bad faith here, only the protester's disagreement with the conclusions reached by both GSA and SBA regarding its ability to perform the contract.

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Protest dismissed.

Harry R. Van Cleve
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Acting General Counsel