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DECISION



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

FILE: B-209593

DATE: December 1, 1982

MATTER OF: Alchemy, Inc.

DIGEST:

GAO will not review Small Business Administration's refusal to issue certificate of competency (COC) absent a showing of fraud or bad faith. Protest that COC denial is within these exceptions is dismissed where protester's factual allegations fall short of a prima facie showing of fraud or bad faith.

Alchemy, Inc. (Alchemy), protests the Small Business Administration's (SBA) refusal to issue Alchemy a certificate of competency (COC) establishing its responsibility under the following Defense Logistics Agency (DLA) solicitations: DLA700-82-B-1458; B-1658, B-2130, B-2111, B-1878, B-1866, B-1739, B-1733, B-1575, and R-3491.

Alchemy contends that there is a serious question as to the manner in which the SBA applied applicable rules and regulations. Alchemy furthermore contends that the procuring activity structured the release of the solicitations in such a manner as to make it impossible for SBA to reach the correct conclusion.

The SBA has conclusive authority to determine a small business bidder's responsibility by issuing or declining to issue a COC, and that determination generally is conclusive on this Office. 15 U.S.C. § 637(b)(7) (Supp. III, 1979). Therefore, we will not review such determinations absent a prima facie showing of fraud on the part of Government officials or that information vital to the responsibility determination was willfully disregarded, thus implying bad faith, because even if we disagreed with the SBA, its judgment is binding on the contracting officer by law. Triangle Electronics, B-206146, February 3, 1982, 82-1 CPD 85. Although Alchemy contends its protest falls within the above exceptions, the allegations stated above fall short of the prima facie showing of fraud or bad faith, which is a prerequisite to our review. GAVCO Corporation--Request for Reconsideration, B-207846.2, September 20, 1982, 82-2 CPD 242.

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The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel