

DECISION



20277
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-211853

DATE: May 31, 1983

MATTER OF: Bruce Kinney

DIGEST:

Protest by small business against contracting officer's finding that the firm is non-responsible is dismissed where the matter properly has been referred to the Small Business Administration for the possible issuance of a certificate of competency.

Bruce Kinney protests against award to any other offeror under solicitation No. 803-21 issued by the Department of the Interior. Bruce Kinney's offer was rejected because the firm was found nonresponsible. We dismiss the protest.

The contracting agency informally advises that because Bruce Kinney is a small business concern, the matter of its responsibility has been referred to the Small Business Administration (SBA) under the certificate of competency (COC) procedures. The agency further advises that the SBA has not yet made its determination, and that no contract has been awarded.

SBA has conclusive authority to determine a small business firm's responsibility by issuing or refusing to issue a COC. 15 U.S.C. § 637(b)(7)(A) (Supp. IV 1980). Our Office will not question the SBA's decision not to issue a COC absent a showing of fraud or bad faith on the part of Government officials or that the SBA did not consider vital information bearing on the small business firm's responsibility. Tennier Industries, Inc., B-205476.3, March 1, 1982, 82-1 CPD 178.

Since the question of Bruce Kinney's responsibility currently is being considered by the proper forum, we have no basis to retain jurisdiction over the matter. We therefore dismiss the protest.

L. R. Van Cleave
Larry R. Van Cleave
Acting General Counsel

0257387