

**DECISION**



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

25922

**FILE:** B-211996

**DATE:** August 3, 1983

**MATTER OF:** Eclectech Associates, Inc.

**DIGEST:**

GAO does not review determinations by the Small Business Administration to issue a certificate of competency, absent a showing of fraud or bad faith.

Eclectech Associates, Inc. (Eclectech), protests the award of a contract to Tidewater Electromagnetics (Tidewater) under request for proposals (RFP) No. N00189-82-R-0356, issued by the Naval Supply Center, Norfolk, Virginia. It is Eclectech's contention that Tidewater is not qualified to perform the contract because it lacks enough qualified personnel, adequate physical facilities and experience in manufacturing the supplies and services required by the RFP.

We will not consider the matter.

The reasons given by Eclectech for not making the award to Tidewater relate to the responsibility of Tidewater, that is, whether Tidewater is capable of performing the contract. We have been informally advised by the Navy that since Tidewater is a small business, Tidewater sought, and was issued, a certificate of competency (COC) by the Small Business Administration (SBA) and that award followed SBA's issuance of the COC. Pursuant to the provisions of the Small Business Act, 15 U.S.C. § 637(b)(7) (Supp. IV, 1980), SBA has conclusive authority to determine a small business offeror's responsibility by issuing or declining to issue a COC. In view of that specific statutory authorization, our Office will not review SBA's decision to issue a COC absent a showing of fraud or bad faith. See Reliance Van Company, Inc., B-206974, April 19, 1982, 82-1 CPD 358. No such showing has been made in this case.

The protest is dismissed.

*J. H. Barclay Jr.*  
Harry R. Van Cleve  
Acting General Counsel