

**DECISION****THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-213795

DATE: December 15, 1983

MATTER OF: Caesar Construction, Inc.

**DIGEST:**

GAO will not review the Small Business Administration's (SBA) determination to issue a certificate of competency to a small business found to be nonresponsible by a procuring agency absent prima facie showing of fraud or that information vital to responsibility determination was willfully disregarded by SBA, thus implying bad faith, since the SBA by law is the final authority in such matters.

Caesar Construction, Inc. (Caesar), protests the Naval Facilities Engineering Command's finding that it is nonresponsible under solicitation No. N62472-83-B-3778 and the Small Business Administration's (SBA) refusal to issue it a certificate of competency (COC). Caesar contends that the COC investigation by SBA considered information which was not accurate. We will not consider the protest.

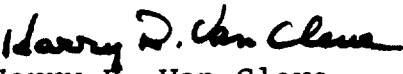
When an agency finds that a small business is nonresponsible, the law requires that the matter be referred to the SBA, which conclusively determines the bidder's responsibility by issuing or declining to issue a COC. 15 U.S.C. § 637(b)(7) (1982). This Office has no authority to review SBA's determination to require issuance of a COC or to reopen a case where a COC has been denied unless the protester has made a prima facie showing of fraud or that information vital to the responsibility determination was willfully disregarded by the SBA, thus implying bad faith. Space Age Engineering, Inc., B-207537, July 6, 1982, 82-2 CPD 22. Caesar has

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offered no evidence to bring this case under one of the exceptions.

Accordingly, the protest is dismissed.

  
Harry R. Van Cleve  
Acting General Counsel