

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548****FILE:** B-214635**DATE:** April 6, 1984**MATTER OF:** Inflatable Technology Corporation**DIGEST:**

GAO will not review contracting officer's nonresponsibility determination where it has been affirmed by the Small Business Administration's (SBA) denial of a certificate of competency (COC). In addition, GAO will not question the SBA's refusal to issue a COC absent a showing of fraud or bad faith.

Inflatable Technology Corporation (Inflatable), a small business, protests the rejection of its bid under invitation for bids (IFB) No. F41608-83-B-0128, issued by the Department of the Air Force. Inflatable contends that errors and inaccuracies in data collected and reported by the Small Business Administration (SBA) have caused the Air Force to determine it nonresponsible.

The Air Force has informally advised us that it found Inflatable nonresponsible based upon lack of financial capability to perform this contract and referred the matter to the SBA, as required by 15 U.S.C. § 637(b)(7) (1982), for consideration under SBA's certificate of competency (COC) procedures. The SBA initially issued a COC, but 1 day before it expired the Air Force requested SBA to extend the COC. The SBA informed the Air Force that it would have to reevaluate Inflatable before it could extend the COC. Following this reevaluation, the SBA declined to issue a new COC and Inflatable protests this refusal.

The SBA, not this Office, has statutory authority to review a contracting officer's negative determination of responsibility and to determine conclusively a small business concern's responsibility by issuing or refusing to issue a COC. Consequently, we will not undertake an independent review of a contracting officer's nonresponsibility determination, since such review would be tantamount to a substitution of our judgment for that of the SBA. Tar Heel Canvas Products, Inc., B-211537, May 6, 1983, 83-1 CPD 481.

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Our Office will not question a contracting officer's negative responsibility determination where it has been affirmed by SBA's denial of a COC in the absence of fraud or bad faith. No fraud or bad faith on the part of government officials has been shown. See Drexel Heritage Furnishings, Inc., B-213169, December 14, 1983, 83-2 CPD 686; Singleton Contracting Corp., B-212504, August 15, 1983, 83-2 CPD 214; Parmatic Filter Corporation, B-210138, February 24, 1983, 83-1 CPD 187; Vernitron Corporation, B-201832.4, September 25, 1981, 81-2 CPD 250.

The protest is dismissed.

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Acting General Counsel