

DECISION

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

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FILE: B-214614**DATE:** April 12, 1984**MATTER OF:** Crown Bullion and Refining Co., Ltd.**DIGEST:**

GAO will not question the Small Business Administration's refusal to issue a certificate of competency (COC) or require a reopening of a case where a COC has been denied in the absence of a showing of fraud or bad faith.

Crown Bullion and Refining Co., Ltd. (Crown), protests denial of the award of a contract to Crown as low bidder under invitation for bids (IFB) No. DLA710-83-B-0102 issued by the Defense Logistics Agency for incineration of film and return of the reclaimed silver.

We dismiss the protest without obtaining a report from the contracting agency, in accordance with section 21.3 of our Bid Protest Procedures, 4 C.F.R. § 21.3, as amended, January 17, 1983, 48 Fed. Reg. 1931 (1983).

The Small Business Administration (SBA) denied a certificate of competency (COC) to Crown on the basis of deficiencies related to Crown's ability to perform resulting in denial of the award. Crown alleges that the cited deficiencies have been corrected and, as low bidder, the contract should be awarded to Crown.

Our Office will not question an agency determination, affirmed by an SBA refusal to issue a COC, that a small business is nonresponsible, nor will we question the refusal of the SBA to issue a COC or require reopening of a case where a COC has been denied in the absence of a showing by the small business that the refusal stemmed from fraud or bad faith. See Lew & Jill, Inc., d/b/a Great Bear of N.W. 27th Avenue, B-207970.3, November 22, 1982, 82-2 CPD 462.

Crown has made no allegation of fraud or bad faith.

Protest dismissed.

J. N. Barclay Jr.
for Harry R. Van Cleve
Acting General Counsel

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