

DECISION

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

Harrington
PL: II
29854

FILE: B-216933

DATE: November 26, 1984

MATTER OF: Grantex Industries, Inc.

DIGEST:

GAO will not question the Small Business Administration's (SBA) refusal to issue a certificate of competency where the protester failed to make a timely response to the SBA's requests for information.

Grantex Industries, Inc. protests the rejection of its bid under Defense Logistics Agency (DLA) Request for Quotations No. DLA400-84-R-7251-0001. Grantex contends that it was not allowed sufficient time to provide the information required for the Small Business Administration to make a certificate of competency (COC) determination.

The DLA has informally advised our Office that the Grantex bid was rejected after the firm was found non-responsible. Because Grantex is a small business concern, the DLA referred the nonresponsibility determination to the SBA for consideration under SBA's COC procedures, as required by 15 U.S.C. § 637(b)(7) (1982). When Grantex did not make a timely response to the SBA's requests for information, the SBA declined to issue a COC.

Since award proceedings are suspended pending the SBA's consideration of a COC application, SBA must act promptly to process COC applications. Hence, time is of the essence in these proceedings. Thus, a small business which fails to file a timely, acceptable COC application with the SBA does not avail itself of the possible relief provided by statute and regulation to afford small business concerns a degree of protection against unreasonable determinations as to their capacity or credit by contracting officers. Hazel and Mabel's Maid and Cleaning Service, B-207520, July 1, 1982, 82-2 CPD ¶ 6. Grantex has presented no evidence showing that the deadline was unfairly applied, or that either the SBA or the contracting agency failed to consider any relevant information which was submitted prior to the deadline.

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The protest is dismissed.

Harry R. Van Cleve
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General Counsel