

DECISION

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

Agarwal
P-I
33314

FILE: B-221561**DATE:** January 22, 1986**MATTER OF:** Mar-Mac Precision Corp.**DIGEST:**

A protester that is ineligible to receive an award because it is nonresponsible is not an "interested party" entitled to a decision under GAO Bid Protest Regulations.

Mar-Mac Precision Corp. (Mar-Mac) protests award to L.A.R. Mfg. Inc. under solicitation No. DAAA09-85-B-0727, issued June 28, 1985, by the United States Army Armament, Munitions and Chemical Command, Rock Island, Illinois, for the procurement of 835 extension subassemblies. Mar-Mac contends that the price of \$784.80 for each subassembly is excessive in view of the price history of the item.

Information provided by the agency shows that Mar-Mac, a small business concern, was determined to be a nonresponsible bidder by the contracting officer as the result of an unacceptable performance history. The Army referred the contracting officer's negative responsibility determination under the solicitation to the Small Business Administration (SBA) as required by 15 U.S.C. § 637(b)(7) (1982) for consideration under the SBA's certificate of competency program. By letter dated November 18, 1985, the SBA declined to issue a certificate of competency.

Since Mar-Mac is not eligible to receive an award under the solicitation because the SBA has not reversed the agency's nonresponsibility determination, Mar-Mac is not an interested party entitled to a decision under our Bid Protest Regulations. 4 C.F.R. § 21.0(a) (1985); RCC Corporation, B-218086, Apr. 3, 1985, 85-1 C.P.D. ¶ 386.

Accordingly, we dismiss the protest.

A handwritten signature in black ink, appearing to read "R. Strong".

Robert M. Strong
Deputy Associate General Counsel

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