

**DECISION**

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

**FILE:** B-223031

**DATE:** May 27, 1986

**MATTER OF:** Diversified American Defense, Inc.

**DIGEST:**

General Accounting Office will not review a contracting officer's determination of nonresponsibility with respect to a small business concern since by statute the Small Business Administration is empowered to determine conclusively whether a small business is responsible.

Diversified American Defense, Inc. protests the proposed contract award to another firm by the Department of the Army under invitation for bids (IFB) No. DAAA22-86-B-0410. Diversified contends that in finding it nonresponsible, the Army improperly relied on Diversified's late deliveries on previous contracts that resulted from the need for clarification of the specifications. The Army has informed us that Diversified is a small business and that the matter has been referred to the Small Business Administration (SBA) for processing under its certificate of competency procedures (COC).

The SBA, not our Office, has the statutory authority to review a contracting officer's finding of nonresponsibility, and then to determine conclusively a small business concern's responsibility. 15 U.S.C. § 637(b) (1982). Consequently, we will not undertake an independent review of a contracting officer's nonresponsibility determination with respect to a small business firm, since that would be tantamount to substituting our judgment for that of the SBA. See 4 C.F.R. § 21.3(f)(3) (1985); Building Maintenance Specialists, B-220968, Nov. 6, 1985, 85-2 CPD ¶ 528.

The protest is dismissed.

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for Ronald Berger  
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General Counsel

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