



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Ceredo Mortuary, Inc.--Reconsideration

File: B-241791.2

Date: November 27, 1990

Paralee White, Esq., Cohen & White, for the protester. Richard P. Burkard, Esq., Andrew T. Pogany, Esq., and Michael R. Golden, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Request for reconsideration of dismissal of protest objecting to the Small Business Administration's (SBA) refusal to issue a certificate of competency (COC) is denied where the SBA did not fail to consider vital information in reaching its COC decision since such information was contained in SBA's record during COC proceedings.

DECISION

Ceredo Mortuary, Inc. requests that we reconsider our October 23, 1990, dismissal of its protest filed under Department of Veterans Affairs (VA) solicitation No. 581-6-91 for ambulance services. The basis for the protest was the Small Business Administration's (SBA) refusal to issue a certificate of competency (COC) because of the firm's inadequate financial capacity. The VA had found the firm to be nonresponsible and referred the matter to SBA. We dismissed the protest because generally our Office does not review SBA denials of COCs. See Bid Protest Regulations, 4 C.F.R. § 21.3(m) (3) (1990).

We deny the request for reconsideration.

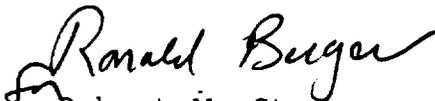
Under our Bid Protest Regulations, a party requesting reconsideration must show that our prior dismissal was founded on errors of fact or law, or specify information not previously considered that warrants reversal or modification of our dismissal. See 4 C.F.R. § 21.12(a). Ceredo seeks reconsideration on the ground that we should review SBA's alleged failure to consider two vital pieces of information which were contained in the record before SBA and which had a bearing on Ceredo's responsibility.

Ceredo alleges that the SBA, in deciding not to issue a COC, overestimated the actual cost of equipment that would have to be financed in order to perform the contract and failed to evaluate properly the financial resources of Ceredo as being a firm capable of obtaining a bank line of credit sufficient for this equipment financing.

By law, it is the SBA, not our Office, that has the authority to review a contracting officer's negative finding of responsibility and then to determine conclusively a small business concern's responsibility. Eagle Bob Tail Tractors, Inc., B-232346.2, Jan. 4, 1989, 89-1 CPD ¶ 5. Our Office will not review such matters unless the protester makes a showing that government officials may have acted fraudulently or in bad faith or failed to consider vital information bearing on the firm's responsibility. Franklin Wire and Cable Co.--Recon., B-218557.2 et al., June 5, 1985, 85-1 CPD ¶ 644. An allegation that SBA failed to consider vital information must be supported not only by a showing that the information was essential to a COC decision, but by evidence sufficient to make a prima facie showing that SBA willfully disregarded it, thus implying bad faith. Sard Enters., Inc., B-233661, - Mar. 16, 1989, 89-1 CPD ¶ 280.

Here, Ceredo has failed to identify any specific vital information that SBA willfully disregarded. Rather, it is clear that Ceredo merely disagrees with SBA's evaluation and weighing of evidence before SBA concerning the estimate of the actual cost of the equipment required to finance and perform the contract. We find that the reconsideration request essentially only represents an expression of Ceredo's disagreement with SBA's decision (based on SBA's record) not to issue a COC. Such disagreement does not bring the protest within the exception to our limited review role in this area. See J&L Properties, Inc.--Recon., B-231573.2, B-231574.2, Oct. 14, 1988, 88-2 CPD ¶ 353.

The request for reconsideration is denied.



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Associate General Counsel