



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Wellness 2000, Inc.
File: B-256966
Date: April 14, 1994

DECISION

Wellness 2000, Inc. protests the contracting officer's decision to refer a nonresponsibility determination to the Small Business Administration (SBA) under solicitation No. R5-05-94-007 issued by the Department of Agriculture.

The Small Business Act, 15 U.S.C. § 637(b)(7) (1988), gives the SBA, not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible. Since the SBA has exclusive authority to finally determine the responsibility of a small business, our Office generally does not review either the contracting officer's decision to refer a responsibility question to the SBA, or the SBA's decision to issue or deny a certificate of competency. See 4 C.F.R. § 21.3(m)(3); MRL, Inc.--Request for Recon., B-235673.4, Aug. 29, 1989, 89-2 CPD ¶ 188.

The protest is dismissed.

Ronald Berger
Associate General Counsel