

LS15BT
151582



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: International Aerospace Technologies, Inc.
File: B-257081
Date: April 26, 1994

DECISION

International Aerospace Technologies, Inc. protests its rejection as nonresponsible under the Department of the Air Force No. F42620-94-R-61465.

We dismiss the protest because the protester, a small business concern failed to apply for a Certificate of Competency (COC).

When a small business firm is determined to be nonresponsible, the contracting officer must refer the matter to the Small Business Administration (SBA) for consideration of issuance of a COC.¹ 15 U.S.C. § 637(b)(7) (1988). After the referral has been made, it is incumbent upon the small business to file a complete and acceptable COC application with the SBA in order to avail itself of the potential protection provided by statute against unreasonable or bad faith determinations of nonresponsibility. Commerce Funding Corp., B-236114, Oct. 2, 1989, 89-2 CPD ¶ 287. Where a firm fails to apply for a COC, we will not review the contracting officer's determination of nonresponsibility since such a review would amount to a substitution of our Office for the agency specifically authorized by statute to review these determinations. Belmont-Schick Inc., B-225100, Nov. 14, 1986, 86-2 CPD ¶ 562.

The protest is dismissed.

John M. Melody
Acting Associate General Counsel

¹The Air Force has advised us that it referred the matter to the SBA for COC consideration.