

Booker 153157



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

Decision

Matter of: Maw Company--Reconsideration

File: B-258509.2; B-258510.2

Date: December 16, 1994

DECISION

Maw Company requests reconsideration of our decision dismissing its protest of the Department of the Air Force's determinations that it is not a responsible small business bidder under solicitation Nos. F34650-94-B-0016 (-0016) and F34650-94-B-0020 (-0020), respectively. We dismissed the protests because it is the responsibility of the Small Business Administration (SBA), not this Office, to protect small businesses against unreasonable nonresponsibility determinations, and because Maw did not avail itself of the Certificate of Competency (COC) procedures established by the SBA for that purpose.

On reconsideration, the protester does not dispute the SBA's responsibility; the protester instead contends that the contracting officer improperly determined it to be nonresponsible in the first place.

As stated in our prior decision, and as the protester agrees, it is the SBA which is charged with the authority to determine if a contracting officer's nonresponsibility determination was properly made. The COC process was established to protect the interests of small businesses against unreasonable & bad faith responsibility determinations. Therefore, it is the protester's responsibility to avail itself of the protection afforded to it through the SBA's COC process rather than seek relief through our Office's bid protest process.

We affirm the dismissal.

Ronald Berger
Ronald Berger
Associate General Counsel