



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

Decision

Matter of: Com-Tech Service, Inc.
File: B-260805; B-260805.2
Date: March 31, 1995

DECISION

Com-Tech Service, Inc., a small business, protests the Department of the Navy's determination that that Com-Tech is nonresponsible under solicitation No. N68171-95-R-0003.

We dismiss the protests.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988). Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Mgmt. Servs., Inc.--Request for Recon., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.

The General Accounting Office will not consider protests where the issue presented has no practical consequences with regard to an existing federal government procurement, and thus is of purely academic interest.

In this case, Com-Tech challenges the agency's determination of nonresponsibility. Since Com-Tech is a small business, the final determination of responsibility is vested with the Small Business Administration.

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.

Accordingly, the protests are dismissed as academic.

Michael R. Golden
Michael R. Golden
Acting Associate General Counsel