

Joanette Thomas



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Surgical Instrument Company of America—Reconsideration  
**File:** B-261690.2  
**Date:** August 10, 1995

### DECISION

Surgical Instrument Company of America requests reconsideration of our decision of June 26, 1995, in which we dismissed its protest against the refusal of the Small Business Administration (SBA) to issue a certificate of competency (COC) in connection with solicitation No. SPO200-94-R-4274, issued by the Defense Logistics Agency. We dismissed Surgical's protest because our Office generally does not consider challenges to SBA's failure to issue a COC.

In its request for reconsideration, Surgical states that it is not challenging the action taken by SBA, but is contending that the contracting officer "acted in an arbitrary and capricious manner and . . . interfered with the SBA's duties to independently consider the issuance of a [COC]."

In our previous decision we stated that our review role in this area is limited to situations where the SBA may have acted fraudulently or in bad faith or where the SBA failed to consider vital information bearing on the protester's responsibility. Cases dealing with the SBA's failure to consider vital information involve situations where it was the contracting agency, by providing misleading information or by not providing appropriate information, that caused SBA not to have considered all vital information, and it is in that context that we review allegations of a failure to consider such information. See Joanell Labs., Inc., B-242415.16, Mar. 5, 1993, 93-1 CPD ¶ 207. Surgical makes no suggestion that the agency failed to provide all appropriate information to SBA; it merely alleges that the agency improperly interfered with SBA's decision by "threaten[ing] to invoke a source inspection clause if [Surgical] were awarded a COC." Surgical's allegation does not suggest that SBA did not fully consider all vital information; it indicates only that the agency prevailed upon the SBA not to issue a COC. In short, the protester presents no basis for reconsideration.

The request for reconsideration is denied.

Handwritten signature of Ronald Berger in cursive.  
Ronald Berger  
Associate General Counsel

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