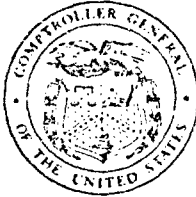


DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-186258

DATE: April 21, 1976

MATTER OF: Rodan Industries, Inc.

60285
99036/99036

DIGEST:

Where protester requests that no award be made pending SBA's COC determination and alleges no other grounds of protest, matter is dismissed since no basis has been provided for questioning agency's compliance with FPR § 1-1.708-2(a) relative to withholding award pending SBA determination.

This is a protest filed by Rodan Industries, Inc. (Rodan), concerning Bureau of Reclamation solicitation (No. DS 7183).

Essentially Rodan requests that no award be made to any other firm since a referral will be made to the Small Business Administration for a Certificate of Competency (COC).

Under 15 U.S.C. 637(b)(7), SBA has authority to issue or not issue a COC. Our Office is without authority to review SBA determinations, or to require it to issue a COC. Nor may we require SBA to reopen a COC case which SBA has decided. 51 Comp. Gen. 448, 451 (1972); 53 Comp. Gen. 344, 345, 346 (1973).

Moreover, Section 20.4 of our bid protest procedures provides that procuring agencies will not make award prior to resolution of the protest except as provided in the applicable procurement regulations. 40 Fed. Reg. 17979 (1975). In this connection, Federal Procurement Regulations § 1-1.708-2(a) (1964 ed.) provides that where a referral is made to SBA award shall be withheld until SBA action concerning issuance of a COC, or until 15 working days after the matter is referred to SBA. The protester has provided no basis for questioning the agency's compliance with this regulation.

Accordingly, we are unable to provide any relief and the protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel