

DECISION

74502
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-210780**DATE:** March 15, 1983**MATTER OF:** Tri-State Building Systems, Inc.**DIGEST:**

GAO will not consider protest of contracting agency's determination of nonresponsibility of small business where matter was referred to the Small Business Administration, which declined to issue a certificate of competency, nor will GAO review SBA's decision.

Tri-State Building Systems, Inc. (Tri-State), a small business, protests being found nonresponsible under invitation for bids No. 3-3-15R issued by the Department of the Interior, National Park Service (NPS), for construction of the visitor's entrance building at the east entrance of the White House. Tri-State also protests the refusal of the Small Business Administration (SBA) to issue it a certificate of competency (COC) after NPS referred the matter to SBA. Tri-State argues that the SBA refused to issue it a COC for reasons unrelated to those cited by NPS in its finding of nonresponsibility and that SBA applied an incorrect standard in denying the COC.

SBA has authority under its COC procedures to issue final determinations on whether small business concerns are responsible to receive and perform specific contracts and that determination is conclusive on this Office. 15 U.S.C. § 637(b)(7) (Supp. II, 1979). Consequently, our Office has consistently declined to review a contracting agency's determination of nonresponsibility where the determination has been affirmed by SBA's refusal to issue a COC unless the protester makes a prima facie showing of fraud or the record indicates that vital information relevant to the protester's responsibility was willfully disregarded. Data Transformation Corporation, B-208089, August 27, 1982, 82-2 CPD 182. Since neither of these exceptions is present here, we will not consider the protest.

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The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel