

Becker



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Iowa-Illinois Cleaning Corporation

File: B-270720

Date: December 14, 1995

DECISION

Iowa-Illinois Cleaning Corporation protests any award of a contract under solicitation No. GS-04P-95-LCC-0030 by the General Services Administration (GSA). Iowa-Illinois, the apparent low bidder, contends that GSA improperly determined it nonresponsible and that the Small Business Administration (SBA) improperly denied it a certificate of competency (COC) after the agency referral.

When a small business firm is determined to be nonresponsible by a contracting officer, that contracting officer must refer the matter to the SBA for consideration of issuance of a COC. 15 U.S.C. § 637(b)(7). After the referral has been made it is incumbent upon the small business to file a complete and acceptable COC application with the SBA in order to avail itself of the potential protection provided by statute against unreasonable or bad faith determinations of nonresponsibility. Commerce Funding Corp., B-236114, Oct. 2, 1989, 89-2 CPD ¶ 287. Where a firm fails to apply for a COC with the SBA, we will not review the contracting officer's determination of nonresponsibility since such a review would amount to a substitution of our Office for the agency specifically authorized by statute to review these determinations. Belmont-Schick Inc., B-225100, Nov. 14, 1986, 86-2 CPD ¶ 562.

Further, since the Small Business Act gives the SBA, not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible and 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 Bid Protest Regulations, section 21.5(b)(3), 60 Fed. Reg. 40,737, 40,742 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.5(b)(3)); MRL, Inc.-Request for Recon., B-235673.4, Aug. 29, 1989, 89-2 CPD ¶ 188.

The protest is dismissed.

Comptroller General
of the United States

065376/155863