

DOCUMENT RESUME

02398 - [A1502584]

[Protest Against Determination of Nonresponsibility]. B-189051.  
June 1, 1977. 2 pp.

Decision re: Bayshore Systems Corp.; by Paul G. Dembling,  
General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900) .  
Contact: Office of the General Counsel; Procurement Law II.  
Budget Function: General Government; Other General Government  
(806) .

Organization Concerned: National Aeronautics and Space  
Administration; Small Business Administration.

Authority: 15 U.S.C. 637(b) (7) . B-185259 (1976) . 13 C.F.R.  
124.8-17(b) .

Claimant (Bayshore) protested the determination by the  
National Aeronautics and Space Administration that it is  
nonresponsible for lack of capacity or credit. GAO will not  
review the matter because it has been referred to the Small  
Business Administration which has primary jurisdiction. (QM)

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**DECISION**



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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20549

FILE: B-189051

DATE: June 1, 1977

MATTER OF: Bayshore Systems Corporation

**DIGEST:**

Contracting officer's determination that protester is nonresponsible will not be reviewed by this Office where matter has been referred to SBA because SBA has primary jurisdiction to certify conclusively to Government procurement officials with respect to the competency, as to capacity and credit, of any small business concern to perform a specific Government contract.

Bayshore Systems Corporation (Bayshore) protests the determination by a NASA contracting officer that Bayshore is nonresponsible for lack of capacity or credit to perform the contract under solicitation No. IFB 1-53-6317. Bayshore indicates that the contracting officer has referred the matter of Bayshore's responsibility to the Small Business Administration (SBA).

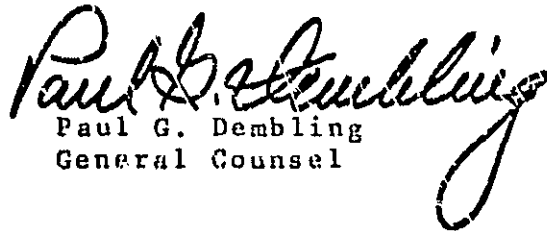
Pursuant to 15 U.S.C. § 637(b)(7) (1970), SBA is empowered to certify conclusively to Government procurement officials with respect to the competency, as to capacity and credit, of any small business concern to perform specific Government contracts. Our Office has no authority to require SBA to issue a COC or to review an SBA determination regarding issuance of a COC. See Environmental Tectonics Corp., B-185259, February 13, 1976, 76-1 CPD 101.

The protester also asserts that the contracting officer made his findings of nonresponsibility on the basis of an incomplete record. However, the protester

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will have an opportunity to submit to SBA any information which it feels is relevant to the issue of its responsibility as to capacity and credit. Cf. 13 C.F.R. § 124.8-17(b).

Accordingly, the protest is dismissed.

  
Paul G. Dembling  
General Counsel