

DECISION



11949 *W. Thompson*
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THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-195206.8

DATE: November 6, 1979

MATTER OF: A-P Business Machines Corporation, *DLG-03285*
Dale Business Machines *DLG-03286*

DIGEST:

[Protest of SBA Refusal to Issue Certificates of Competency]

Under 15 U.S.C. § 637(b)(7), Small Business Administration (SBA) has authority to issue or deny certificate of competency (COC) and GAO will not review SBA determination absent prima facie showing of fraud or willful disregard of facts.

AG-00002
A-P Business Machines Corporation (A-P) and Dale Business Machines (Dale) protest the refusal of the Small Business Administration (SBA) to issue them certificates of competency (COC's) in connection with invitation for bids GSD-7DPR-00003 issued by the General Services Administration (GSA). *AG-000017*

A-P and Dale indicate that, although their past performance was unsatisfactory, they furnished SBA information showing increases in personnel that will enable them to perform the immediate contracts, but SBA declined to issue a COC.

For the following reason, the protest is dismissed.

Under 15 U.S.C. § 637(b)(7) (1976 & Supp. I 1977), the SBA has authority to issue or deny a COC. Our Office has declined to review the SBA's determination unless the protester has made a prima facie showing of fraud or willful disregard of facts. K.B.M. Inc., B-195324, September 5, 1979, 79-2 CPD 178. Such a showing has not been made here.

Milton J. Socolar

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