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DECISION



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

[Protest of Nonresponsibility Determination]

FILE: B-197579

DATE: April 4, 1980

MATTER OF: Medical Services of America, Inc.

DIGEST:

GAO will not review determination of non-responsibility of small business bidder where matter was referred to Small Business Administration (SBA), since dispositions of SBA with regard to matters of responsibility are final.

Medical Services of America, Inc., which alleges that it is a small business concern, protests the rejection of its low bid by the Veterans Administration (VA) under invitation for bids (IFB) No. 688-30-80. The protester was determined non-responsible due to poor past performance under prior VA contracts, and it takes exception to the VA's determination.

Under 15 U.S.C. § 637(b)(7) (1976 & Supp. I 1977), the Small Business Administration (SBA) is vested with the authority to certify to Government procurement officers, "with respect to all elements of responsibility * * *," the eligibility of a small business to receive and perform a specific Government contract. This Office does not review SBA determinations or require the SBA to declare a prospective contractor eligible for award since, by law, the disposition of the SBA on the matter is final. See Ikard Manufacturing Co., B-190450, October 28, 1977, 77-2 CPD 332.

Although the VA failed to promptly refer its determination of nonresponsibility to SBA when that

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determination was made, the VA advises that it has now submitted the record to SBA for its consideration. Since the SBA's disposition on the matter will be final, the protest is inappropriate for our consideration on the merits.

Accordingly, the protest is dismissed.

Harry R. Jan. Cleve
for Milton J. Socolar
General Counsel