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DECISION

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

FILE: B-205230

DATE: November 3, 1981

MATTER OF: Federal Services, Inc.

DIGEST:

GAO does not review Small Business Administration refusal to issue certificate of competency unless protester makes prima facie showing of fraud or demonstrates that information vital to responsibility determination was not considered.

Federal Services, Inc. (Federal), protests the rejection of its low bid based upon a determination that it was nonresponsible and any award of a contract under invitation for bids No. F41800-81-B-0120, issued by the Department of the Air Force (Air Force), for commissary stocking at Randolph Air Force Base, Texas.

Federal, a small business, alleges that the contracting officer's determination that it was nonresponsible was based on accusations made by other agencies. Furthermore, Federal contends that the Air Force did not give Federal a chance to defend itself.

We have been advised that the Air Force referred this matter to the Small Business Administration (SBA) for the possible issuance of a certificate of competency (COC). Also, we have been advised that the SBA declined to issue a COC.

The SBA has authority under its COC procedures to issue final determinations on whether small business concerns are responsible to receive and perform specific Government contracts. 15 U.S.C. § 637(b)(7) (Supp. I, 1977); see Hub Testing Laboratories, B-199368, September 18, 1980, 80-2 CPD 204. As a result, our Office has consistently declined to review a contracting officer's determination of nonresponsibility where the determination has been affirmed

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by the SBA's denial of 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 has not been considered. Delta Lighting Corp., B-201225, April 10, 1981, 81-1 CPD 278; Whitey's Welding and Container Repair, dba Richmond Drydock and Marine Repair, B-202517.2, June 1, 1981, 81-1 CPD 431; Rubber Stamps, Inc., B-203421, June 17, 1981, 81-1 CPD 508.

Federal does not allege fraud. In addition, the record does not indicate that vital information concerning Federal's responsibility was not considered by the SBA. Accordingly, we will not consider the protest.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel