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DECISION



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

FILE: B-205434

DATE: November 23, 1981

MATTER OF: Bermite Division, Whittaker Corporation

DIGEST:

Issues concerning contractor capability to perform a contract awarded under section 8(a) of the Small Business Act are matters for determination by the Small Business Administration (SBA) and not GAO; because of broad discretion afforded SBA by statute, such judgmental decisions will not be questioned absent a showing of fraud or bad faith on the part of Government officials.

Bermite Division, Whittaker Corporation, protests the anticipated award of a contract for the production of signal cartridges to Del Manufacturing resulting from a Department of the Navy solicitation No. N00123-82-R-0295 issued under the Small Business Administration's (SBA) 8(a) program. Bermite contends that Del Manufacturing, which would receive the subcontract from SBA, is not competent to produce the cartridges. Bermite alleges that an award to Del Manufacturing will jeopardize the safety of human life and property and cause the Government to pay unnecessarily high prices. For the following reasons, these matters are not reviewable by our Office.

Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a)(Supp. III, 1979), authorizes the SBA to certify to any officer of the Government having procurement powers that it is "competent and responsible to perform any specific Government contract." In letting a subcontract to Del Manufacturing, SBA certifies that that firm is competent to produce the signal cartridges. Because of the broad discretion afforded SBA by statute under the section 8(a) program, we will review such judgmental decisions only if there has been a showing of bad

faith or fraud on the part of Government officials.
American Electronics Laboratories--Reconsideration,
B-199392.2, September 2, 1980, 80-2 CPD 166. No such
showing has been made here.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel