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DECISION



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

FILE: B-206146

DATE: February 3, 1982

MATTER OF: Triangle Electronics

DIGEST:

GAO will not review Small Business Administration's refusal to issue certificate of competency absent a showing of fraud or bad faith.

Triangle Electronics protests the Small Business Administration's (SBA) decision to decline issuing Triangle a certificate of competency (COC) establishing Triangle's responsibility under Federal Prison Industries solicitation No. 151P1-0002-2. We will not consider the protest.

The SBA has conclusive authority to determine a small business bidder's responsibility by issuing or declining to issue a COC, and that determination is conclusive on this Office. 15 U.S.C. § 637(b)(7)(Supp. III 1979). Therefore, we generally will not review such determinations absent a prima facie showing of fraud on the part of Government officials or that information vital to the responsibility determination was willfully disregarded, thus implying bad faith, because even if we disagreed with the SBA, its judgment is binding on the contracting officer by law. J. Baranello & Sons, 58 Comp. Gen. 509, 79-1 CPD 322. Where, as here, the protester does not even allege fraud or bad faith, this Office cannot recommend either that SBA issue a COC or that it reopen a case where a COC has been denied. Burgess, Inc., B-203603, June 30, 1981, 81-1 CPD 547.

The protest is dismissed.

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