

DECISION



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

FILE: B-210863

DATE: March 15, 1983

MATTER OF: Gabriel and Associates

DIGEST:

GAO will not review a contracting officer's decision that a small business firm is not a responsible bidder since under law the Small Business Administration has authority to certify conclusively whether a small business is responsible.

Gabriel and Associates (Gabriel) protests the Army Corps of Engineers' determination that it is not a responsible bidder under solicitation No. DACW23-82-B-0011. We dismiss the protest.

Gabriel is a small business. The Small Business Administration (SBA) has the authority to ultimately determine a small business bidder's responsibility by issuing or declining to issue a certificate of competency (COC), and that determination is conclusive on this Office. 15 U.S.C. § 637(b)(7) (Supp. IV 1980). The protester's submission indicates that the matter has been referred to the SBA. We therefore cannot consider the matter. Aspen Reforestation, B-206144, February 4, 1982, 82-1 CPD 95.

The protest is dismissed.

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

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