

DECISION

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

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FILE: B-212744**DATE:** September 20, 1983**MATTER OF:** Cyro-Chem, Inc.**DIGEST:**

GAO will not question a contracting officer's determination that a small business is nonresponsible where that determination is affirmed by the Small Business Administration's refusal to issue a certificate of competency.

Cyro-Chem, Inc. (Cyro-Chem), protests the determination that it is a nonresponsible bidder under solicitation No. DAAJ09-83-B-A300 issued by the United States Army Troop Support and Aviation Materiel Readiness Command, St. Louis, Missouri.

The contracting officer determined that Cyro-Chem was nonresponsible. Since Cyro-Chem is a small business, the contracting officer referred the question of its responsibility to the Small Business Administration (SBA) for consideration under the certificate of competency (COC) procedure. SBA declined to issue a COC. Cyro-Chem then protested to our Office contending that the contracting agency preaward survey erroneously concluded that Cyro-Chem was not qualified to perform the contract.

Because SBA has conclusive authority to determine a small business' responsibility by issuing or declining to issue a COC (15 U.S.C. § 637(b)(7)(A) (1982)), our Office will not question a contracting officer's nonresponsibility determination where the SBA affirms that determination by refusing to issue a COC. Art's Supplies & Services, B-210156, January 6, 1983, 83-1 CPD 14.

The protest is dismissed without requesting the protester's comments on the contracting agency report. Our Bid Protest Procedures, 4 C.F.R. § 21.3(g) (1983), provide that protests not reviewable by our

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Office shall be summarily dismissed and, when the propriety of dismissal becomes clear only after information is provided by the contracting agency, the protest shall be dismissed at that time. See MKB Manufacturing Corp.; J.B. Electronics Corp., B-210870, April 22, 1983, 83-1 CPD 448.

Harry R. Van Cleve
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Acting General Counsel