

Paul Jordan



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Certified Abatement Technologies, Inc.

File: B-239349.2

Date: November 14, 1990

DECISION

Certified Abatement Technologies, Inc. (CATI) protests the contracting officer's decision to reject its bid in solicitation No. N62472-90-B-0297, issued by the Navy for removal of asbestos and other hazardous materials at the Naval Marine Corps Reserve Center, Huntington, New York. The agency originally rejected the bid on the basis that CATI was allegedly affiliated with a suspended contractor, but subsequently learned that the "affiliated" contractor had not been suspended for purposes of procurement matters. The agency then determined that CATI was not responsible for lack of business integrity and referred this determination to the Small Business Administration (SBA).

We dismiss the protest because we have no basis to review an agency's decision to refer a question of contractor responsibility to the SBA.

The Small Business Act, 15 U.S.C. § 637(b)(7) (1988), gives the SBA, not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible. Since the SBA has exclusive authority to finally determine the responsibility of a small business, our Office generally does not review either the contracting officer's decision to refer a responsibility question to the SBA, or the SBA's decision to issue or deny a certificate of competency. See 4 C.F.R. § 21.3(m)(3) (1990); MRL, Inc.--Recon., B-235673.4, Aug. 29, 1989, 89-2 CPD ¶ 188.

The protest is dismissed.

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