

Pietro v. to
152565



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: United Kleenist Organization Corporation
File: B-258300
Date: September 9, 1994

DECISION

United Kleenist Organization Corporation protests the refusal of the Small Business Administration (SBA) to issue a certificate of competency (COC).

We dismiss the protest.

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. Our Office limits review of the denial of a COC to instances in which the protester's submission indicates that SBA action on a referral may have been taken fraudulently or in bad faith or that the SBA failed to consider vital information bearing on the protester's responsibility. Spheres Co., B-225755, June 5, 1987, 87-1 CPD ¶ 573.

Here, United Kleenist asserts that the contracting officer's nonresponsibility determination was made in bad faith. Since the procuring agency's nonresponsibility determination is subject to a conclusive determination by the SBA, we will not consider an allegation of bad faith against the contracting officer. See SMK Precision Machine Tools Corp., B-239041.2, Aug. 6, 1990, 90-2 CPD ¶ 105. The protester does not allege that the SBA acted fraudulently or in bad faith or failed to consider vital information bearing on United Kleenist's responsibility; accordingly, we have no basis to review SBA's denial of a COC to United Kleenist. Id.

The protest is dismissed.

A handwritten signature in black ink, appearing to read "G. R. Pietro vito".

Guy R. Pietro vito
Acting Assistant General Counsel