



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

Decision

Matter Of: Thomas & Sons—Reconsideration

File No.: B-258414.2

Date: December 9, 1994

DECISION

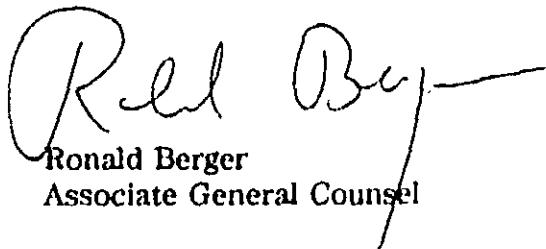
Thomas & Sons requests reconsideration of our decision dismissing its protest of the determination that it is nonresponsible by the Department of the Navy under solicitation No. N62472-94-B-5293, issued as a small business set-aside. We dismissed the protest because the Small Business Act, 15 U.S.C. § 637(b)(7) (1988), gives the Small Business Administration (SBA), not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible.

We deny the request.

On reconsideration, Thomas & Sons does not challenge the fact that the nonresponsibility determination is a matter for SBA. Thomas & Sons instead complains that the agency did not adhere to the regulatory standards for determining bidder responsibility, and that it was not afforded an opportunity to respond to the agency's position, and that it was not provided copies of certain documents.

This does not provide a basis for reconsideration. The only legally cognizable issue presented by the protest is the validity of the contracting officer's nonresponsibility determination, and that is for review solely by the SBA under the circumstances here.

The request for reconsideration is denied.


Ronald Berger
Associate General Counsel