



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

Decision

Matter Of: Maintenance Engineers

File No.: B-260639

Date: March 7, 1995

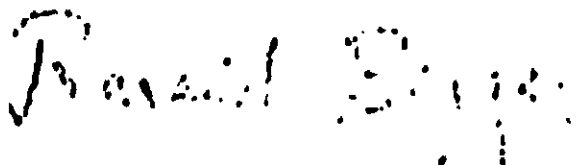
DECISION

Maintenance Engineers, a small business, protests the Department of the Air Force's determination that it is not a responsible bidder under solicitation No. F02601-94-B-A022.

We dismiss the protest because we will not question a responsibility determination where the bidder found nonresponsible fails to avail itself of the certificate of competency (COC) procedure established for small businesses.

When a small business firm is determined to be nonresponsible by a contracting officer, that contracting officer must refer the matter to the Small Business Administration (SBA) for consideration of issuance of a COC. 15 U.S.C. § 637(b)(7) (1988). After the referral has been made it is incumbent upon the small business to file a complete and acceptable COC application with the SBA in order to avail itself of the potential protection provided by statute against unreasonable or bad faith determinations of nonresponsibility. Commerce Funding Corp., B-236114, Oct. 2, 1989, 89-2 CPD ¶ 287. Where a firm fails to apply for a COC with the SBA, we will not review the contracting officer's determination of nonresponsibility since such a review would amount to a substitution of our Office for the agency specifically authorized by statute to review these determinations. Belmont-Schick Inc., B-225100, Nov. 14, 1986, 86-2 CPD ¶ 562.

The protest is dismissed.


Ronald Berger
Associate General Counsel