



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Roberts Electrical Contractors, Inc.

File: B-266181

Date: October 17, 1995

DECISION

Roberts Electrical Contractors, Inc. protests award to any other bidder under solicitation No. DACA01-95-B-0092 issued by the Department of the Army. Roberts contends that the Army improperly determined Roberts to be nonresponsible. Roberts also challenges the Small Business Administration's (SBA) failure to issue Roberts a certificate of competency (COC).

We dismiss the protest because our Office generally does not consider challenges to SBA's failure to issue a COC.

The Small Business Act, 15 U.S.C. § 637(b)(7) (1994), gives the SBA, not our Office, the conclusive authority to review a contracting officer's determination that a small business is not responsible. Moreover, 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. Such circumstances are not present here.

The protest is dismissed.

Comptroller General
of the United States

1. [Signature]

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