

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

60518

FILE: B-185259

DATE: February 13, 1976

MATTER OF: Environmental Tectonics Corporation

98607

**DIGEST:**

Contracting officer's determination that bidder is nonresponsive based on preaward survey recommendation of "no award" is regarded as affirmed by Small Business Administration's denial of certificate of competency.

Invitation for bids (IFB) No. DSA120-76-B-0248 was issued August 18, 1975, by the Defense Personnel Support Center (DPSC), Philadelphia, Pennsylvania, for the procurement of 256 surgical instrument and dressing sterilizers. Environmental Tectonics Corporation (ETC) protests the decision of DPSC not to make award to ETC, the low bidder, based on a determination that ETC is not a responsible bidder.

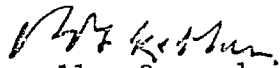
The nonresponsibility determination was based upon a "no award" recommendation made by the Defense Contract Administration Service Region, Philadelphia, Pennsylvania, following a preaward survey in which the protester was rated unsatisfactory in a number of areas. In view of the negative survey findings and the protester's small business status, the matter was referred to the Philadelphia regional office of the Small Business Administration (SBA) for review and consideration of the possible issuance of a certificate of competency (COC) pursuant to Armed Services Procurement Regulation § 1-705.4 (1974 ed.). By letter of November 25, 1975, DPSC was advised of SBA's decision not to issue a certificate of competency to the protester.

Under 15 U.S.C. § 637(b)(7)(1970), the SBA has the authority to issue or deny a COC. Our Office has no authority to review SBA determinations or to require the SBA to issue a COC or to reopen a case when a COC has been denied. Unitron Engineering Company, B-181350, August 20, 1974, 74-2 CPD 112. Further, our

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Office has held that when a bidder is denied a COC, the contracting officer's determination of nonresponsibility must be regarded as having been affirmed by the SBA. Marine Resources, Inc., B-179738, February 20, 1974, 74-1 CPD 82. Consequently, the contracting officer's determination here must be regarded as having been affirmed by the SBA and the determination is accepted by our Office. B-185390, December 16, 1975, 75-2 CPD 397.

Accordingly, the protest is denied.

  
Deputy Comptroller General  
of the United States