

DOCUMENT RESUME

02698 - [A1812859]

[Rejection of Low Small Business Bid]. B-189148. June 21, 1977.  
2 pp.

Decision re: Professional Maintenance Service; by Milton Socolar  
(for Paul G. Deabling, General Counsel).

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel; Procurement Law I.

Budget Function: National Defense; Department of Defense -  
Procurement & Contracts (058).

Organization Concerned: Department of the Army; Corps of  
Engineers, Rock Island, IL; Small Business Administration.

Authority: 15 U.S.C. 637(b)(7). A.S.P.R. 1-705.4. B-188389  
(1977). B-184973 (1976).

The protester objected to the denial of an award based on a finding by the procuring activity that it was nonresponsible. Since the rejection of the low small-business bid was based on the refusal of the Small Business Administration to issue a certificate of competency, this was not a matter for resolution pursuant to GAO's bid protest function. (Author/SC)

Floyd Phillips  
Proc. I

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**DECISION**



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

FILE: B-189148

DATE: June 21, 1977

MATTER OF: Professional Maintenance Service

DIGEST:

Rejection of low small business bid where SBA declined to issue certificate of competency is not matter for resolution pursuant to GAO's bid protest function.

This is a protest by Professional Maintenance Service (Professional) against the denial of an award under invitation for bids (IFB) DACW25-77-B-0018, issued by the Corps of Engineers, United States Army Engineer District, Rock Island, Illinois.

Professional was found to be nonresponsible by the procuring activity. Since Professional is a small business concern the matter was referred to the Small Business Administration pursuant to Armed Services Procurement Regulation (ASPR) § J-705.4 (1976 ed.) for determination as to whether a certificate of competency (COC) should be issued. Pursuant to 15 U.S.C. § 637(b)(7) (1970), SBA is empowered to certify conclusively to Government procurement officials with respect to the competency and credit of any small business concern to perform specific Government contracts. SBA declined to issue Professional a COC for this procurement.

Professional contends, without providing any support therefor, that actions taken by the procuring activity and SBA were arbitrary, capricious, fraudulent, and without foundation.

Our Office does not involve itself in protests concerning rejection of a small business bid in which SBA has refused to issue a COC. The reason for this is that the statute which established the administrative process for conclusively determining the capacity and credit of a small business concern places the jurisdiction therefor in the SBA. Accordingly, this Office does not review SBA determinations in such matters. Lulejian & Associates, Inc., B-188389, February 28, 1977, 77-1 CPD 149. Also, see Willon Educational Corporation, B-184973, July 16, 1976, 76-2 CPD 49.

B-189148

Accordingly, a further review of this matter would serve no useful purpose.

*Winton Foster*  
for Paul G. Dembling  
General Counsel