

DECISION



THE COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D. C. 20548

8663

FILE: B-193425

DATE: December 20, 1978

GA 00045

MATTER OF: Fairbanks Bedding Company

[Small Business Administration Denial of Certificate of Competency is Viewed as Affirmative Determination of Nonresponsibility]

DIGEST:

1. Where small business concern is found to be non-responsible by procuring agency, SBA's denial of COC is viewed as affirmation of determination of nonresponsibility which is final and not for review by GAO.
2. GAO does not review affirmative determinations of nonresponsibility absent circumstances not applicable here.

DLG 000473

DLG 000472

Fairbanks Bedding Company (Fairbanks) protests the rejection of its bid and award of a contract to Alaska Mattress Co., Inc., under solicitation No. GSW-10FWR-80107, issued by the General Services Administration (GSA) Center at Auburn, Washington. By letter dated October 5, 1978, GSA informed Fairbanks that it had been rejected as a nonresponsible bidder because the Small Business Administration declined to issue Fairbanks a certificate of competency (COC). By letter dated October 31, 1978, Fairbanks protested to both GSA and this Office (filed on November 6, 1978). Fairbanks questions GSA's and SBA's actions concerning the determination of nonresponsibility.

With regard to the denial of a COC, it is our policy not to review a contracting officer's determination of nonresponsibility where the determination has been affirmed by SBA's denial of a COC. Our Office will consider a protest where there is prima facie evidence of fraud or where the record shows that vital information has not been considered. Mainline Carpet Specialists, Inc.--Reconsideration, B-188792, July 14, 1977, 77-2 CPD 27. SBA, however, denied the COC because of a lack of reliable information concerning Fairbank's financial capability on which to base its determination.

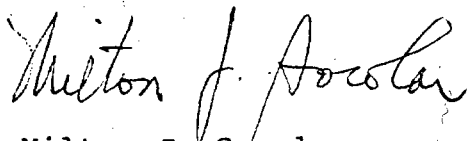
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There is no evidence of fraud or that the determination was made without consideration of vital information.

Fairbanks has also questioned whether the firm receiving the award is a responsible bidder. Our Office does not review protests involving affirmative determinations of responsibility in the absence of circumstances not applicable here. Oregon Wilbert Vault Corporation, B-191000, January 18, 1978, 78-1 CPD 49, and cases cited therein.

In view of the above, the protest is dismissed.



Milton J. Socolar
General Counsel