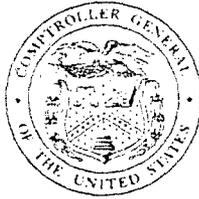


Proct II

DECISION



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

10,666

FILE: B-195001

DATE: July 6, 1979

MATTER OF: Schottel of America, Inc.

CNG 00429

[Protest of Bid Referral to SBA for Responsibility Determination]

DIGEST:

Where question of small business bidder's responsibility has been referred to Small Business Administration (SBA) for possible issuance of Certificate of Competency (COC), GAO will not consider protest of failure to make prompt award to protester since SBA has statutory authority to conclusively determine responsibility of small business bidder.

Schottel of America, Inc. (Schottel), a small business, protests the award of a contract to any other bidder under invitation for bids (IFB) No. DACW69-79-B-0045, issued by the U.S. Army Corps of Engineers (Corps). Schottel, the low bidder for the procurement, states that on two occasions the Corps has requested that Schottel extend its bid acceptance period. The protester maintains that the contract should be awarded to it as the low, responsive responsible bidder without further delay.

AGC 00305

We have been advised by the Corps that the matter of Schottel's responsibility has been referred to the Small Business Administration (SBA) for the possible issuance of a Certificate of Competency (COC). Under its COC program the SBA has authority to conclusively determine that a small business bidder is responsible. 15 U.S.C. 637(b)(7) (1976), as amended by Pub. L. 95-89, 91 Stat. 553. This Office has no authority to review SBA's determination, to require issuance of a COC, or to reopen a case when a COC has been denied. Precision Electronics Labs, B-186751, October 29, 1976, 76-2 CPD 369. The award should be forthcoming if after due consideration SBA issues a COC.

Therefore, the protest is dismissed.

Milton J. Socolar

Milton J. Socolar
General Counsel

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