

**DECISION**



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

**FILE:** B-215199

**DATE:** July 20, 1984

**MATTER OF:** White's Shopping Service, Inc.

**DIGEST:**

Where the Small Business Administration (SBA), by refusing to issue a certificate of competency, confirms the agency's finding of the protester's nonresponsibility and there is no showing of bad faith, fraud, or disregard of vital information, GAO will not make an independent review of the responsibility issue because the SBA has statutory authority to conclusively determine a small business firm's responsibility.

White's Shopping Service, Inc. protests the award of a contract to any other bidder under item 13 of invitation for bids No. M4-58-84, issued by the Veterans Administration for the procurement of uniforms. White's, which is a minority-owned business, contends that its bid was the lowest for item 13.

Although White's bid was low for item 13, the agency concluded that White's was nonresponsible. The matter of White's responsibility was referred to the Small Business Administration (SBA) for possible issuance of a certificate of competency (COC); the SBA refused to issue a COC.

Under 15 U.S.C. § 637(b)(7) (1982), the SBA has conclusive authority to determine the responsibility of small business firms by issuing or refusing to issue COC's. Moreover, unless a protester makes a prima facie showing of bad faith or fraud, or demonstrates that information vital to a determination of nonresponsibility was not considered, our Office will not review SBA determinations to

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require the SBA to issue COC's, or to reopen cases when a COC has been denied. Georgetown Industries, B-214224, Feb. 22, 1984, 84-1 CPD ¶ 225. The record here contains no suggestion of bad faith, fraud or the disregard of vital information.

The protest is dismissed.

*Harry R. Van Cleve*  
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Acting General Counsel