

DECISION

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

51020

FILE: B-184694

DATE: August 28, 1975

97446

MATTER OF: Capital Carpet Sales and Service Inc.

DIGEST:

When small business concern bidder is determined to be nonresponsible by procuring activity and subsequently denied Certificate of Competency (COC) by SBA, protest against finding of nonresponsibility and refusal of SBA to issue COC is denied, since GAO has no authority to review COC determination or to require issuance of COC.

Invitation for bids (IFB) No. GS-03-W-50019-4-10-75, issued by the General Services Administration (GSA) on March 17, 1975, called for the furnishing of normal service requirements of all departments and independent establishments, including wholly owned Government corporations, in the executive branch of the Federal Government for services and supplies for Industrial Group 721 - Industrial Class 7217 for cleaning, alteration, repair and installation of rugs and carpets in 19 installation areas.

Capital Carpet Sales and Service Inc. (Capital) submitted the low bid for areas 1, 2, 3, 5 and 6 in Bid Schedules B and C. However, GSA determined that Capital was not a responsible bidder. Since Capital was a small business concern, the contracting officer referred the question of Capital's capacity and/or credit to the Small Business Administration (SBA). SBA declined to issue Capital a Certificate of Competency (COC). By telex message of August 11, 1975, Capital protested to our Office the actions taken by GSA and SBA.

Capital contends that both the rejection of its bid by GSA and SBA's refusal to issue a COC resulted from incorrect information gathered by these agencies in their investigations, and a misinterpretation of information supplied by the bidder. Capital requests an independent investigation, hearing and the withholding of award pending a decision on its protest.

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However, we have consistently held that the refusal by SBA to issue a COC must be viewed as an affirmation of the contracting officer's negative determination. B-179570, July 18, 1972, and cases cited therein. Additionally, SBA has the authority under 15 U.S.C. § 637(b)(7) to issue or deny COC's and our Office has no authority to review an SBA determination or to require issuance of a COC. Thi Service Company, B-181055, June 19, 1974.

Accordingly, our Office is unable to be of any assistance in the matter and the protest is denied.


Paul G. Dembling
General Counsel