

DECISION



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

FILE: B-220968 **DATE:** November 6, 1985
MATTER OF: Building Maintenance Specialists

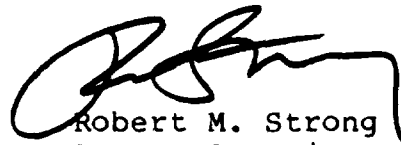
DIGEST:

GAO generally will not review a contracting officer's determination of nonresponsibility with respect to a small business bidder since by law the Small Business Administration is empowered to determine conclusively whether a small business firm is responsible.

Building Maintenance Specialists (BMS), the low offeror on U.S. Army Corps of Engineers solicitation No. DACW41-86-Q-0028 for janitorial and cleaning services, protests the rejection of its offer and award to another firm. The Corps has informally advised our Office that BMS was rejected as nonresponsible, and that the Small Business Administration (SBA) subsequently denied the firm a certificate of competency.

The SBA, not our Office, has the statutory authority to review a contracting officer's finding of nonresponsibility, and then to determine conclusively a small business concern's responsibility by issuing or refusing to issue a certificate of competency. 15 U.S.C. § 637(b) (1982); Federal Acquisition Regulation, 48 C.F.R. subpart 19.6 (1984). Consequently, we will not undertake an independent review of a contracting officer's nonresponsibility determination, since that would be tantamount to substituting our judgment for the SBA's. See 4 C.F.R. § 21.3(f)(3) (1985).

The protest is dismissed.


Robert M. Strong
Deputy Associate
General Counsel