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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

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OFFICE OF GENERAL COUNSEL

IN REPLY REFER TO: B-191788

June 15, 1978

Do not make available to public



Mr. N. E. Chrisfield, President  
Owatonna Services, Inc.  
P. O. Box 672  
Owatonna, Minnesota 55060

Dear Mr. Chrisfield:

This is in response to your protest filed on behalf of Owatonna Services, Inc. under Invitation for Bids (IFB) F05611-78-B-0026, issued by the U. S. Air Force Academy, Colorado Springs, Colorado. You protested the Air Force's rejection of Owatonna's bid as nonresponsive and asserted the alleged deficiencies cited by the Air Force were matters affecting the firm's responsibility. Therefore you requested that the matter be referred to the Small Business Administration (SBA) for possible issuance of a Certificate of Competency (COC).

We have been advised by the Air Force that the contracting officer has reevaluated your bid and now considers it responsive. However, he has found Owatonna nonresponsive and has forwarded the contract file to the SBA for a COC determination. Under 15 U.S.C. § 637(b)(7) (1970), as amended by Pub. L. No. 95-89 § 501, 91 Stat. 553, the SBA has authority to conclusively determine all elements of responsibility. Accordingly, our Office does not review SBA determinations or require the SBA to issue a COC even if we disagree with SBA's judgment. Red Ball Transfer & Storage, B-190255, December 21, 1977, 77-2 CPD 492. Furthermore, inasmuch as the Air Force has complied with your

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request and referred the matter to SBA, we consider the protest moot and are closing our file without further action.

Sincerely yours,

*Vincent A. LaBella*

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Vincent A. LaBella  
Deputy Assistant General Counsel