## 19.602-2 Issuing or denying a Certificate of Competency (COC).

Within 15 business days (or a longer period agreed to by the SBA and the *contracting* agency) after receiving a notice that a small business *concern* lacks certain elements of responsibility, the SBA Area Office will take the following actions:

- (a) Inform the small business *concern* of the *contracting officer*'s determination and *offer* it an opportunity to apply to the SBA for a COC. (A *concern* wishing to apply for a COC *should* notify the SBA Area Office serving the geographical area in which the headquarters of the *offeror* is located.)
- (b) Upon timely receipt of a complete and acceptable application, elect to visit the applicant's facility to review its responsibility.
- (1) The COC review process is not limited to the areas of nonresponsibility cited by the *contracting officer*.
- (2) The SBA *may*, at its discretion, independently evaluate the COC applicant for all elements of responsibility, but *may* presume responsibility exists as to elements other than those cited as deficient.
- (c) Consider denying a COC for reasons of nonresponsibility not originally cited by the *contracting* officer.
- (d) When the Area Director determines that a COC is warranted (for contracts valued at \$25,000,000 or less), notify the *contracting officer* and provide the following *options*:
- (1) Accept the Area Director's decision to issue a COC and award the contract to the *concern*. The COC issuance letter will then be sent, including as an attachment a detailed rationale for the decision: or
- (2) Ask the Area Director to suspend the case for one or more of the following purposes:
- (i) To permit the SBA to forward a detailed rationale for the decision to the *contracting officer* for review within a specified period of time.
- (ii) To afford the *contracting officer* the opportunity to meet with the Area Office to review all documentation contained in the case file and to attempt to resolve any issues.
- (iii) To submit any information to the SBA Area Office that the *contracting officer* believes the SBA did not consider (at which time, the SBA Area Office will establish a new suspense date mutually agreeable to the *contracting officer* and the SBA).
- (iv) To permit resolution of an appeal by the *contracting* agency to SBA Headquarters under  $\underline{19.602-3}$ . However, there is no *contracting officer*'s appeal when the Area Office proposes to issue a COC valued at \$100,000 or less.
- (e) At the completion of the process, notify the *concern* and the *contracting officer* that the COC is denied or is being issued.

(f) Refer recommendations for issuing a COC on contracts greater than \$25,000,000 to SBA Headquarters.

Parent topic: 19.602 Procedures.