

**DECISION**



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

50898

FILE: B-184297

DATE: July 14, 1975

MATTER OF: Instron Corporation

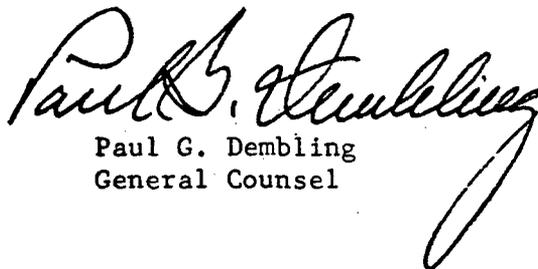
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**DIGEST:**

Protest which questions small business status of another bidder is matter for consideration by SBA under 15 U.S.C. 637 (b) (6) (1970).

Instron Corporation (Instron) protested against award to MTS Systems Corporation (MTS) under solicitation No. N00421-75-B-0169, a small business set-aside, issued by the United States Naval Air Station, Patuxent River, Maryland.

Instron's basis for protest is that MTS is dominant in its field of operation and therefore is not a small business within the definition of the Small Business Act. Under 15 U.S.C. 637 (b) (6) (1970) the decision as to the size status of a concern is exclusively vested in the Small Business Administration and is not subject to review by our Office. Bancroft Cap Co., Inc., B-182569, December 26, 1974. Accordingly, we are closing our file in the matter without further action.

  
Paul G. Dembling  
General Counsel