

DECISION

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

FILE: B-187285

DATE: September 13, 1976

MATTER OF: Standard Refuse, Inc.

61477
98045**DIGEST:**

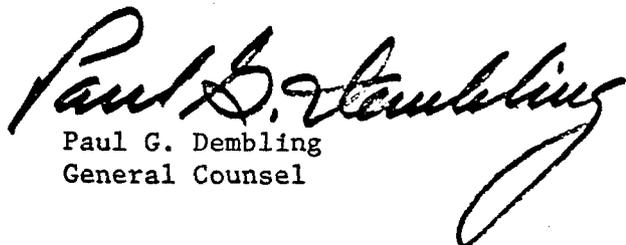
1. GAO does not review protests against affirmative determinations of responsibility by contracting officers except in cases of fraud or misapplication of definitive responsibility criteria set out in solicitation.
2. Protest which questions small business status of another bidder is matter for consideration by SBA under 15 U.S.C. § 637(b)(6).

Standard Refuse, Inc. (Standard), has protested against the possible award to American Rubbish Removal (American) or Commercial Waste, Inc. (Commercial), under solicitation No. N62467-76-B-2533, issued by the Naval Air Station, Jacksonville, Florida.

The protest is based on the allegation that neither American nor Commercial is a responsible bidder. This Office does not review protests against affirmative determinations of responsibility, unless either fraud on the part of procuring officials is alleged or where the solicitation contains definitive responsibility criteria which allegedly have not been applied--neither of which is alleged nor demonstrated. See Central Metal Products, Inc., 54 Comp. Gen. 66 (1974), 74-2 CPD 64.

Additionally, Standard challenges the small business status of American. Under 15 U.S.C. § 637(b)(6) (1970), the decision as to the size status of a concern is vested exclusively with the Small Business Administration and is not subject to review by our Office. Instrom Corporation, B-184297, July 14, 1975, 75-2 CPD 34.

Accordingly, we must decline to consider the merits of the protest.


Paul G. Dembling
General Counsel