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DECISION



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

FILE: B-187392

DATE: December 23, 1976

MATTER OF: White Brothers Trucking Company

DIGEST:

Protest based upon contention that protester was low bidder rather than firm receiving award and that such firm was not responsible will not be considered since procurement was set aside exclusively for small business participation and Size Appeals Board of Small Business Administration has conclusively determined that protester is other than small business, thereby making it ineligible for award, and because we do not review affirmative responsibility determinations in circumstances applicable here.

White Brothers Trucking Company (White Bros.) protests the award of a contract to Atlantic Disposal Services, Inc. (Atlantic), under solicitation No. DABT35-76-B-0063, issued by the Department of the Army, Fort Dix, New Jersey.

The solicitation was set aside exclusively for small business participation. The following contract line items (CLINS) were included in the solicitation:

CLIN 0001	Refuse Services, Fort Dix only
CLIN 0002	Refuse Services, McGuire AFB only

Atlantic was awarded CLIN 0001 on August 30, 1976, and on September 10, 1976, White Bros. protested the award to our Office contending that it rather than Atlantic was the low bidder and Atlantic is not responsible.

Immediately after bid opening Atlantic protested to our Office (B-187224) against the award of the McGuire Air Force Base portion (CLIN 0002) to White Bros. questioning the responsiveness of the White Bros. bid and challenging its size status.

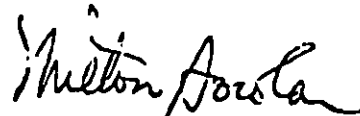
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On November 9, 1976, our Office was advised that White Bros. had been determined to be other than small business by the Size Appeals Board of the Small Business Administration (SBA).

Pursuant to 15 U.S.C. § 637(b)(6) (1970), the SBA is empowered to determine a business concern's size status for procurement purposes. Offices of the Government having procurement powers must accept as conclusive any determination reached by SBA as to which concerns are to be designated as small business. See 52 Comp. Gen. 434, 435 (1973); and La Crosse Garment Manufacturing Company, B-187243, September 2, 1976, 76-2 CPD 216.

Since White Bros. is not eligible for award consideration, the contention that it should have been evaluated as the low bidder for CLIN 0001 is moot. Furthermore, since White Bros. is not eligible for award of CLIN 0002, Atlantic is withdrawing its protest under B-137224. With regard to the issue of Atlantic's responsibility, we no longer review protests involving agencies' affirmative determinations of responsibility except for reasons not applicable here. La Crosse Garment Manufacturing Company, *supra*.

Accordingly, this protest will not be considered by our Office and is hereby dismissed.

for 
Paul G. Dembling
General Counsel