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KEITH BAKER
P.L.F. 2

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20540**

FILE: B-188006

DATE: December 30, 1976

MATTER OF: Maecon, Inc.

DIGEST:

Question concerning small business size status of bidder is not for consideration by GAO since conclusive authority over question is vested by statute in SBA.

Maecon, Inc. has protested the proposed award of a contract by the Department of the Navy, Western Divisional Naval Facility Engineering Command, under IFB N62474-74-B-6575 for the replacement of steam and condensate ducts and lines at the Mare Island Naval Shipyard, Vallejo, California. Maecon alleges that the apparent low bidder is ineligible for award since the procurement is a small business set-aside and the apparent low bidder is not a small business concern.

The Small Business Administration has been granted conclusive authority under 15 U.S.C. § 637(b)(6) (1970) to determine the size status of small business concerns for procurement purposes. Therefore, our Office does not review questions of a bidder's small business size status. Sunshine Peninsula, Inc., B-184294, July 14, 1975, 75-2 CPD 33.

Accordingly, this protest is dismissed.

Milton A. Dembling
for Paul G. Dembling
General Counsel