

DECISION

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

8282

FILE: B-193304

DATE: November 9, 1978

MATTER OF: Tripod, Inc.

DIGEST:

Protest questioning small business status of bidder will not be reviewed by GAO since conclusive authority to determine size status of business concerns lies with Small Business Administration.

Tripod, Inc., protests the award of a contract to either Space Services of Georgia, Inc. (Space Services), or S & G Services, Inc. (S&G), for mess attendant services at Elmendorf Air Force Base, Alaska, by the Department of the Air Force. Tripod questions Space Service's and S&G's small business size status because Space Service allegedly has admitted to being an affiliate of S&G.

Pursuant to 15 U.S.C. § 637(b)(6) (1976), the conclusive authority to determine the small business size status of a business concern lies with the Small Business Administration (SBA) and is not subject to review by this Office. Mann's Construction Co., B-191462(2), March 29, 1978, 78-1 CPD 245. Pursuant to Defense Acquisition Regulation § 1-703(b)(1) (1976 ed.), a protest concerning the small business status of a firm should be sent within the time limits specified therein for referral to the SBA. Dr. Robert S. Ray Association, B-191236, February 27, 1978, 78-1 CPD 160.

The protest is dismissed.

Milton J. Proctor

General Counsel