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PLCC

**DECISION**



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

9018

FILE: B-193839

DATE: January 31, 1979

MATTER OF: Cardan Company

DIGEST:

[Protest concerning small business size status] is not for consideration by GAO since by law it is matter for decision by SBA.

DLG 00798

DLG 00799  
~~AGC 00001~~

Cardan Company protests the award of a contract to PK Construction Company (PK) of San Diego, California, by the Department of the Navy under solicitation No. N62474-75-B-6350. The procurement is a 100-percent small business set-aside for an Enlisted Men's Dining Facility at Camp Pendleton, California.

AGC 00888

Cardan contends that PK should be disqualified as a small business because of its close association with RC Hedreen Company of Seattle, Washington.

DLG 00800

AGC 00002

Under 15 U.S.C. § 637(b) (1976), the Small Business Administration is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. See, Mann's Construction Co., B-191462(2), March 29, 1978, 78-I CPD 245.

In this connection, we have been informed by the Navy that a concurrent protest has been filed with the contracting officer and has been referred to the San Francisco SBA office for determination.

The protest is therefore dismissed.

Milton J. Socolar  
General Counsel

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