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DECISION



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

FILE:

B-195369

DATE: July 31, 1979

MATTER OF:

Lu-San Enterprises, Inc.

DIGEST:

DLG 02424

[Protest concerning small business status of low bidder] is by law matter for decision by SBA and not for consideration by GAO.

Lu-San Enterprises, Inc. (Lu-San) (a small business, protests the proposed award of a contract by the General Services Administration (GSA) to the low bidder, Kentucky Building Maintenance, Inc. (Kentucky), under solicitation No. 2PBC-DD-19,474. The procurement is for janitorial and elevator operation services and is set aside for small business.

Lu-San contends that Kentucky does not meet the appropriate size standard established for this solicitation and therefore is not a small business.

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 and these determinations are not subject to GAO review. Cardan Company, B-193839, January 31, 1979, 79-1 CPD 76; Advance Building Maintenance Co., B-193819, January 30, 1979, 79-1 CPD 72. Under the applicable regulations, a protest against the size status of another bidder should be sent, in a timely manner, to the contracting officer responsible for the procurement, who in turn shall promptly forward it to the SBA district office which serves the geographical area where the protested concern is located. Federal Procurement Regulations § 1-1.703-2 (1964 ed. amend. 192).

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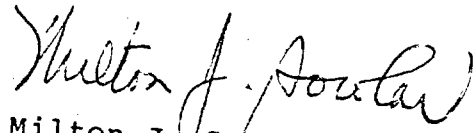
not to
-- set aside
highlight
Competition limitation

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We note that Lu-San has referred the matter to the contracting officer as required. Therefore, the protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel