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Holder

DECISION



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

FILE: B-206040, B-206095

DATE: January 26, 1982

MATTER OF: DOT Systems, Inc.

DIGEST:

Questions concerning small business size status are not for consideration by GAO since conclusive authority over such matters is vested by statute in SBA.

DOT Systems, Inc. (DOT), protests the award of a contract for travel services to any travel agent as a small business under two requests for proposals (RFP), GS-00T-013-82 and GS-00T-016-82, small business set-asides, issued by the General Services Administration. DOT questions the small business size status of travel agent offerors under the RFP's. DOT contends travel agents are not small business concerns because they are agents and affiliates of large business airlines.

Under 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration (SBA) is empowered to conclusively determine matters of small business size status for Federal procurement purposes. Under 15 U.S.C. § 634(4)(6) (1976), the SBA has the authority to make such rules and regulations as are deemed necessary to carry out the authority vested in the SBA by this law. It is the duty of SBA, not this Office, to determine whether a concern is a small business for purposes of a particular procurement and SBA's determination is conclusive upon the procurement agency involved. See DOT Systems, Inc., B-205421, November 19, 1981, dismissing a protest identical to the immediate protest.

Accordingly, we dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel