

DECISION

19547.0 *Forde*
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-208923

DATE: September 23, 1982

MATTER OF: TGR-342 Construction Co., Inc.

DIGEST:

Protest concerning small business size status of bidder is not subject to review by GAO since by law it is a matter for decision by the Small Business Administration.

TGR-342 Construction Co., Inc. (TGR), protests the award of a contract under invitation for bids No. DAAB07-82-B-Q116, a small business set-aside, by the Department of the Army (Army) to Trataros Construction Corp. (Trataros).

TGR contends that Trataros does not qualify as a small business concern because Trataros has a contract with the Army Corps of Engineers, New York District, and two contracts with the Army at Fort Monmouth. TGR states that these contracts were acquired within 1 year and amount to more than \$22 million. Furthermore, TGR alleges that Trataros has entered into other contracts, at Fort Dix and in the Philadelphia area. TGR requests that the award be terminated.

Our Office does not review size status protests since 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 PSI Mobile Products, Inc., B-204872, March 10, 1981, 82-1 CPD 225.

Accordingly, the protest is dismissed.

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