

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

24632

**FILE:** B-210063**DATE:** January 21, 1983**MATTER OF:** Putnam Mills Corporation**DIGEST:**

1. Protest concerning bidder's small business size status is for decision by the Small Business Administration and not for consideration by GAO.
2. Protest that bidder may improperly use a source of supply it did not list in its bid is without merit where bidder did submit source of supply with its bid.

Putnam Mills Corporation (Putnam) protests any award of a contract to H. Landau & Co. (H. Landau) under invitation for bids No. DLA100-83-B-0071, a small business set-aside, issued by the Defense Logistics Agency for cloth.

Putnam contends it has reason to believe that H. Landau plans to secure dyeing and finishing services from either Duro Finishing Corporation (Duro) or Amerbelle Corporation (Amerbelle). (Putnam is attempting to obtain H. Landau's sources from the Agency under the Freedom of Information Act.) Putnam protests any award to H. Landau if either Duro or Amerbelle is used. Putnam contends that if Duro is the source of supply, H. Landau would not qualify as a small business concern because Duro is not a small business, and Putnam has filed a size protest with the Small Business Administration (SBA). Putnam contends that if Amerbelle is the source of supply, an award to H. Landau is improper because Putnam has definitely ascertained that Amerbelle did not give H. Landau a commitment on this procurement; therefore, in effect, Amerbelle was not listed as a source of supply in the H. Landau bid and cannot be used.

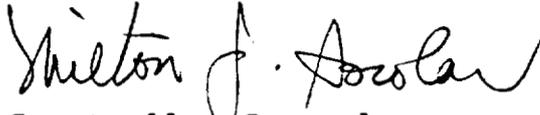
DLA has informally advised us that the contract has not been awarded, and H. Landau's bid has been referred to SBA for a size status determination. Further, DLA has supplied a copy of the H. Landau bid which shows that the sources of supply were submitted with the bid, and that the sources of supply are confidential.

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Under 15 U.S.C. § 637(b)(6) (1976), the SBA conclusively determines size status for Federal procurements. Therefore, our Office will not review questions concerning a bidder's small business size status. Putnam Mills Corporation--Reconsideration, B-208249.2, August 31, 1982, 82-2 CPD 194. As we noted above, H. Landau's bid has been referred to SBA for a size status determination. Putnam's size protest is accordingly dismissed.

We will not reveal whether Amerbelle is a source of supply to H. Landau. However, because H. Landau did submit its source of supply with its bid, Putnam's protest regarding H. Landau's failure to list its sources of supply is without merit.

The protest is dismissed in part and denied in part.

*for*   
Comptroller General  
of the United States