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DECISION



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

FILE: B-196021.2

DATE: April 4, 1983

MATTER OF: SEACO, Inc.

DIGEST:

Protest concerning the small business size status of competing bidder is by law a matter for decision by the Small Business Administration and not for consideration by GAO.

SEACO, Inc. (SEACO), protests the award of contract No. N00024-82-C-4121 to Systems and Applied Sciences Corporation (SASC). The contract calls for technical and support services in the areas of diving, salvage, oil pollution control, underwater husbandry, ocean engineering projects and the preparation of supporting documentation. The Navy awarded the contract to the Small Business Administration (SBA) under the SBA's 8(a) program and the SBA, in turn, awarded a subcontract to SASC.

We dismiss the protest.

SEACO, the incumbent contractor, argues that SASC should not have been awarded the contract since SASC is not a small business. In support of this, SEACO points to the protest of Computer Data Systems, Inc., B-205521, June 16, 1982, 82-1 CPD 593; aff'd on reconsideration, 61 Comp. Gen. 545 (1982), 82-2 CPD 75, in which we noted that the SBA, Philadelphia Regional Office, determined SASC to be other than small for purposes of computer programming service contracts. In addition, it is SEACO's position, citing Defense Acquisition Regulation § 1-706.1 (DAC No. 76-40, November 26, 1982), that once a product or service is procured pursuant to a small business set-aside, future procurements of the same items or services must be set aside and not awarded to a large business such as SASC.

While it is clear that the SBA did make a determination that SASC was other than small, we note that the determination was made pursuant to a different solicitation, using different standards. Each procurement stands on its own in regard to size status. Under 15 U.S.C. § 637(b)(6) (1976), SBA has exclusive authority to determine matters of small

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business size status for Federal procurement purposes. Therefore, our Office will not review questions of a bidder's small business size status, which are for review by SBA. Midwest Janitorial Services, Inc., B-209995, December 17, 1982, 82-2 CPD 543. Therefore, SEACO's protest is dismissed.

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