

DECISION



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

FILE: B-212023

DATE: June 24, 1983

MATTER OF: Gibraltar Industries, Inc.

DIGEST:

Protest is dismissed where procurement is a 100-percent small business set-aside and the Small Business Administration has determined that protester is not a small business and, therefore, not an interested party to challenge award to another bidder.

Gibraltar Industries, Inc. (Gibralter), protests the award of a contract to any firm other than Gibraltar under Defense Logistics Agency (DLA) invitation for bids (IFB) No. DLA100-83-B-0579. Gibraltar alleges that the other bidders cannot meet the solicitation's delivery terms.

The protest is dismissed.

DLA has informed this Office that the procurement is a 100-percent small business set-aside and the Small Business Administration (SBA) has determined that Gibraltar is not a small business for this procurement. Under 15 U.S.C. § 637(b)(6) (1976), SBA has conclusive authority to determine small business size status for procurement purposes. Therefore, GAO will not review SBA's determination that Gibraltar is not a small business. Dole Manufacturing Company, B-205959, January 11, 1982, 82-1 CPD 28.

Since, as a large business, Gibraltar is not eligible for an award under this IFB and Gibraltar has not challenged the propriety of the small business set-aside, we find that it is not an interested party to protest under the solicitation. Accordingly, we will not consider this protest on the merits. See Worldwide Services, Inc., B-206413, June 22, 1982, 82-1 CPD 615.

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