

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

25956

**FILE:**

B-205093.3

**DATE:**

August 10, 1983

**MATTER OF:**

The Wenninger Company, Inc.

**DIGEST:**

Protester will not be considered an interested party to protest agency's failure to promptly forward to the Small Business Administration (SBA) protester's size protests since protester did not submit a bid and, therefore, was not eligible for award. Allegation that awardee is not complying with small business certifications made in its bid by subcontracting to a large business is a matter of contract administration which will not be reviewed by our Office.

The Wenninger Company, Inc. (Wenninger), protests two procurement actions taken by the Veterans Administration (VA) in connection with invitation for bids (IFB) No. 695-31-83 and contract No. 695-71-81. Wenninger did not submit a bid on IFB No. 695-31-83, but protests the VA's failure to forward to the Small Business Administration (SBA) a size protest filed by Wenninger against the awardee. With respect to contract No. 695-71-81, Wenninger protests the VA's failure to forward to the SBA a size protest filed against a subcontractor contesting the eligibility of the subcontractor to work for a small business concern on a 100-percent small business set-aside project. Wenninger submitted a bid for this contract; however, the SBA determined that Wenninger was a large business and Wenninger was declared ineligible for award.

We dismiss the protests.

Under our Bid Protest Procedures, a party must be "interested" before we will consider its protest allegations. 4 C.F.R. § 21.1(a) (1983). Whether a party is sufficiently interested depends upon the degree to which its interest in the outcome is both established and direct. In general, we will not consider a party's interest to be sufficient where that party would not be eligible for award, even if the issues raised were resolved in its favor. See Interscience Systems, Inc.; Amperif Corporation, B-201943, B-202021, August 31, 1982, 82-2 CPD 187.

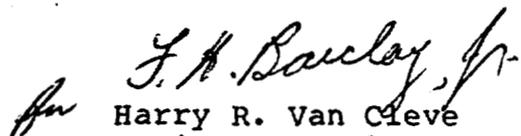
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In our opinion, Wenninger does not have a sufficient interest in IFB No. 695-31-83 to contest the size status of the awardee. Wenninger did not bid on this contract and, therefore, was not eligible for award. Thus, we will not consider Wenninger's protest with respect to this IFB. Anderson Hickey Company, B-210252, March 8, 1983, 83-1 CPD 235.

With respect to contract No. 695-71-81, Wenninger has, alleged, in effect, that the awardee is not complying with the terms of its contract. Wenninger has not alleged that the awardee took any exception to the IFB requirements, but, rather, is alleging that the awardee is not complying with the small business certifications made in its bid since a portion of the work has been subcontracted to an alleged large business. Our Office will not review this allegation. Whether a firm actually complies with its small business certification is a matter of contract administration, which is the primary responsibility of the contracting agency and not for consideration by our Office. Unit Portions, Inc., B-210651, March 7, 1983, 83-1 CPD 228.

Moreover, we note that a small business concern is not precluded from subcontracting with a large business as long as the small business makes a significant contribution to the manufacture or production of the "end item." See Action Manufacturing Company, B-208205.2, December 13, 1982, 82-2 CPD 526, and Jazco Corporation, B-193993, June 12, 1979, 79-1 CPD 411.

The protests are dismissed.

  
Harry R. Van Cleave  
Acting General Counsel