

DECISION



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

25996

FILE: B-212567

DATE: August 15, 1983

MATTER OF: American Combustion, Incorporated

DIGEST:

Questions concerning small business size status will not be considered by GAO since conclusive authority over such matters is vested by statute in the Small Business Administration.

American Combustion, Inc. (ACI) protests the proposed award of a contract for refractory repairs to M & M Welding & Fabricators by the Department of Agriculture under contract No. 102-A-S&E-83. ACI asserts that M & M is not a small business and is therefore ineligible for award of this contract. We dismiss the protest.

The Small Business Administration, not this office, has statutory authority to conclusively determine matters of small business size status for Federal procurements. 15 U.S.C. § 637(b) (Supp. IV 1980); Bobcat of Tidewater, Inc., B-206949, April 12, 1982, 82-1 CPD 337. Any size status challenge must be made according to the procedures available for filing such a challenge rather than through a bid protest. In this regard, 13 CFR § 121.3-5(a)(1983) sets forth the procedure for filing a size status protest, which must be filed within 5 days after bid opening.

The protest is dismissed.

F. H. Barclay, Jr.
Harry R. Van Cleve
Acting General Counsel

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