

Jan 11, 1984

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATE**
WASHINGTON, D.C. 20546

26308

FILE: B-212963

DATE: September 20, 1983

MATTER OF: Graphics Industries Association

DIGEST:

Question concerning propriety of standard industrial classification utilized for small business set-aside procurement is not for consideration by GAO, since conclusive authority over question of this nature is vested in SBA.

The Graphics Industries Association (GIA) has filed a protest under solicitation No. N00600-83-R-3350, a 100-percent small business set-aside, issued by the Department of the Navy for audiovisual production services required by the Naval Ordnance Station, Indian Head, Maryland. GIA alleges that the Navy has incorrectly determined that the procurement is for "motion picture and allied services" and, therefore, has utilized an incorrect standard industrial classification appropriate to the motion picture industry. GIA contends that the solicitation predominantly calls for items and services from the graphics industry, rather than the motion picture industry, and requests that the solicitation be modified to reflect the standard industrial classification appropriate to the graphics industry.

Under Small Business Administration (SBA) regulations, the initial determination of the appropriate classification of product or services being procured shall be made by the contracting officer with the right of appeal to the SBA Size Appeals Board. 13 C.F.R. §§ 121.3-8 and 121.3-6 (1983). The SBA's determination is conclusive on such matters and, therefore, our Office declines to consider such issues. See Science Information Services, Inc., B-209730.2, December 20, 1982, 82-2 CPD 555; Kappa Systems, Inc., B-183036, May 20, 1975, 75-1 CPD 305.

The protest is dismissed.

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

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