

DECISION



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

FILE: B-214577

DATE: March 27, 1984

MATTER OF: National Designers, Inc.

DIGEST:

GAO will not consider a protest of an awardee's small business size status, because the Small Business Administration has statutory authority to conclusively determine small business size status for federal procurements.

National Designers, Inc. (NDI), protests the Navy's award of a contract to Life Cycle Engineering Company (LCE) for design services, under request for proposals (RFP) No. NOO612-83-R-0325, a partial set-aside for small business, issued by the Regional Contracting Department, Naval Supply Center (Navy), Charleston, South Carolina. We dismiss the protest.

NDI essentially alleges that LCE is ineligible for the award because it is not a small business. NDI advises that LCE has subcontracted with M.R. Rosenblatt Co., the same company that was awarded the non-set-aside portion of the contract.

We will not consider the protest. The Small Business Administration (SBA) has statutory authority to conclusively determine matters of small business size status for federal procurements. 15 U.S.C. § 637(b) (1982); Edwards Enterprises Incorporated, B-208317.2, January 13, 1983, 83-1 CPD 34. Any size status challenge must be made according to SBA procedures rather than through a bid protest with our Office. Edwards Enterprises Incorporated, supra.

In this regard, Defense Acquisition Regulation § 1-703(b)(1) (1976 ed.) sets forth the procedure for filing a size status protest. In order to apply to the procurement in question, the protest must have been filed with the contracting officer within 5 working days after the bid opening.

Harry R. Van Cleve
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Acting General Counsel