

DECISION

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

FILE: B-214734

DATE: April 23, 1984

MATTER OF: Industrial Maintenance Services, Inc.

DIGEST:

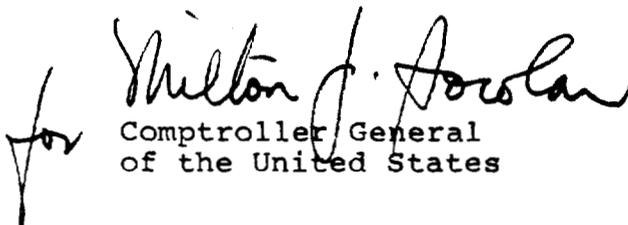
Procuring agency properly rejected offer of concern which was not a small business under applicable size standard when it submitted its certification of size status, notwithstanding SBA's post-certification change in the size standard applicable to the type of procurement involved.

Industrial Maintenance Services, Inc. (IMS), protests the rejection of its bid on a small business set-aside issued by the Air Force for Grand Forks Air Force Base, North Dakota, under request for proposals No. F32605-84-R-0002 and the Air Force's award of contract No. F32605-84-C-0012 to a firm other than itself. IMS contends that it should be considered for award because the Small Business Administration (SBA) changed the applicable size standard subsequent to bid opening and under the new standard IMS can be found to be a small business.

We summarily deny the protest.

The Air Force has advised us that IMS erroneously certified its size status as small on November 25, 1983. Therefore, there is no merit in IMS's contention that SBA's post-certification change of the size standard applicable to this type of procurement operates to render IMS's nonresponsive bid responsive because under Defense Acquisition Regulation § 1-703(b) (Defense Acquisition Circular No. 76-34, April 27, 1982) the controlling point in time for a size determination is the date of the offeror's certification of its size status. Industrial Maintenance Services, Inc., B-213192.3, April 10, 1984, 84-1 CPD ___.

Accordingly, the protest is clearly without legal merit and is summarily denied. 4 C.F.R. § 21.3(g) (1983), as amended by 48 Fed. Reg. 1931 (1983).


Comptroller General
of the United States

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