

DECISION

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

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FILE: B-215690**DATE:** July 23, 1984**MATTER OF:** Robert McMullan & Son, Inc.**DIGEST:**

1. GAO will not consider an allegation that a firm is not a small business eligible for a set-aside award since the conclusive authority to decide matters concerning small business size status is vested in the Small Business Administration.
2. Bidder's use of the wrong DUNS number, and failure by bidder to complete a standard representation and certification on the bid form, may be waived as minor informalities and are not bases for rejection of the bid.

Robert McMullan & Son, Inc. protests the proposed award of a contract under invitation for bids No. N62474-82-B-0234, a small business set-aside issued by the Department of the Navy for construction work in connection with a landing craft air cushion complex. McMullan alleges that the apparent low bidder, Calfon Construction, Inc., does not qualify as a small business and did not correctly complete the bid form. We dismiss the protest in part and deny it in part.

We will not consider Calfon's size status, since our Office is not empowered to make such determinations. Pursuant to 15 U.S.C. § 637(b)(6) (1982), the Small Business Administration has the conclusive authority to determine matters of small business size status for procurement purposes. See Mid-South Ambulance Corporation, B-214078, Jan. 30, 1984, 84-1 CPD ¶ 133.

McMullan also complains that Calfon included on the bid form an incorrect Data Universal Numbering System (DUNS) number, and did not complete the standard representations and certifications in the bid. We deny the protest on these matters. The use of the wrong DUNS number, which is assigned to a business by Dun & Bradstreet, Inc. for computer identification purposes,

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B-215690

constitutes a minor informality where, as here, the identity of the bidder is clear, and thus does not provide a basis for rejection of the bid. See Tennessee Apparel Corporation, B-208415, Nov. 9, 1982, 82-2 CPD ¶ 427.

Further, we have held that because completion of the various standard representations and certifications on the bid form is not required to determine whether a bid meets the requirements of the specifications, failure to complete them may be waived and does not affect the responsiveness of the bid. See K. P. B. Industrial Products, Inc., B-210445, May 24, 1983, 83-1 CPD ¶ 561.

The protest is dismissed in part and denied in part.

for Milton J. Aordan
Comptroller General
of the United States