

DECISION

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

Supper

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FILE: B-216013

DATE: August 22, 1984

MATTER OF: Innovative Foods, 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.

Innovative Foods, Inc. (Innovative), protests the award of a contract to Right-Away Foods, Inc., under solicitations Nos. DLA13H-84-B-8280 and DLA13H-84-R-8281, partial small business set-asides, issued by the Defense Logistics Agency. Innovative contends that the awardee is not a small business and is, therefore, ineligible for award.

Since, under 15 U.S.C. § 637(b)(6) (1982), the Small Business Administration (SBA) has conclusive authority to determine matters of small business size status for federal procurements, our Office does not review size status protests. Any size status challenge must be made according to SBA procedures rather than through a bid protest with our Office. See Edwards Enterprises Incorporated, B-208317.2, Jan. 13, 1983, 83-1 C.P.D. ¶ 34.

The protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

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