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DECISION



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

FILE: B-217504; B-217531 **DATE:** January 18, 1985
 B-217520
MATTER OF: J and J Maintenance Incorporated

DIGEST:

Protests against small business size standards contained in solicitations are not for consideration by GAO since the Small Business Administration Office of Hearings and Appeals is established to adjudicate size standard issues.

J and J Maintenance Incorporated (J&J) protests the small business size standards included under solicitation nos. GS-07B-21771/7SB, GS-06P-57527, and GS-06B-97621-01 issued by the General Services Administration. J&J contends that incorrect standards are being used.

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 procurement purposes. SBA regulations provide that the size standard to be used in a particular procurement is to be determined by the contracting officer. A party who does not agree with the contracting officer's determination may appeal to the SBA's Office of Hearings and Appeals. 13 C.F.R. §§ 121.3-8, 121.3-6; Federal Acquisition Regulation, § 19.303, 48 Fed. Reg. 42247 (1983) (to be codified at 48 C.F.R. § 19.303).

In light of SBA's authority in this area, this Office does not consider challenges to small business size standards. See, e.g., Pacific Diving Industries, Inc., B-195404, Aug. 1, 1979, 79-2 CPD ¶ 72. The protest is dismissed.

Harry R. Van Cleve

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General Counsel

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