

DECISION

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

31633

FILE: B-218473 **DATE:** July 8, 1985
MATTER OF: Camel Manufacturing Company

DIGEST:

Where a firm protests that a procurement should have been set aside for small business, and the firm is subsequently found to be other than a small business, the protest is academic since the protester was not prejudiced by the failure to set aside.

Camel Manufacturing Company, in a pre-opening protest, challenges the action of the Defense Logistics Agency's Defense Personnel Support Center, Philadelphia, Pennsylvania, in issuing invitation for bids (IFB) No. DLA100-85-B-0494 on an unrestricted basis. The firm contends that the solicitation, for 8,697 general purpose small tents, should have been set aside for small business. We dismiss the protest.

After filing of the protest, the parties advised us that the contracting officer had found Camel nonresponsible and referred the matter to the Small Business Administration (SBA), which subsequently determined that Camel was other than a small business.

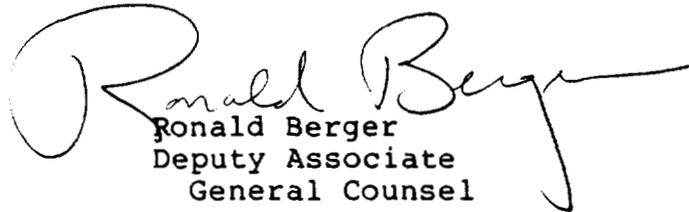
In light of this SBA ruling and since we do not review SBA determinations of size status for procurement purposes under 15 U.S.C. § 637(b)(6) (1982), see Doyle Mfg. Co., B-205959, Jan. 11, 1982, 82-1 CPD ¶ 28, Camel has not been prejudiced by the agency's decision to procure on an unrestricted basis. Therefore, we consider the protest to be academic and no useful purpose would be served by our considering the matter. Cf. Tetra Industries, Inc.,

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B-215131, Dec. 17, 1984, 84-2 ¶ 670 (protest dismissed when no useful purpose in terms of a remedy would be served by further consideration of it).

The protest is dismissed.


Ronald Berger
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