



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Surface Technologies Corporation

File: B-256984

Date: April 26, 1994

DECISION

Surface Technologies Corporation (STC) protests the award of a contract to R.T. Nelson Painting Services, Inc. under Department of the Navy solicitation No. N68335-94-R-0006, issued as a small business set-aside for the remanufacture of AM2 matting. STC contends that Nelson does not qualify as a small business, since Nelson is "dominant in the field of remanufacturing AM2 airfield matting."

We dismiss the protest because our Office has no jurisdiction to review size determinations.

The Small Business Act, 15 U.S.C. § 637(b)(6) (1988), gives the Small Business Administration (SBA), not our Office, the conclusive authority to determine matters of small business size status for federal procurements. 4 C.F.R. § 21.3(m)(2); Survive Eng'g Co., B-235958, July 20, 1989, 89-2 CPD ¶ 71. Thus, we will not review a protester's challenge to another company's size status, nor will we review a decision by the SBA that a company is, or is not, a small business for purposes of conducting federal procurements.¹ Survive Eng'g Co., B-235958, supra; Antenna Prods. Corp., B-227116.2, Mar. 23, 1988, 88-1 CPD ¶ 297.

STC asserts that its argument is not a challenge to Nelson's small business status. However, a firm's dominance in its field is relevant only for purposes of determining small business size status. In this regard, the Federal Acquisition Regulation (FAR) defines a small business, in relevant part, as one "not dominant in the field of

¹We note that the agency has advised our Office that award has been withheld pending a determination from the SBA.

operation in which it is bidding on government contracts." FAR § 19.001 We thus consider arguments such as STC's to concern small business size status which, again, is a matter for consideration by the SBA, not our Office. Newgard Indus., Inc.--Recon., B-226272.2, Apr. 17, 1987, 87-1 CPD ¶ 422.

Accordingly, the protest is dismissed.



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