



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Wu & Associates, Inc.

File: B-257995

Date: July 29, 1994

DECISION

Wu & Associates, Inc. protests award to any other bidder under solicitation No. N62472-93-B-0011, issued by the Department of the Navy as a small disadvantaged business set-aside. Wu challenges that Brookline J.V., the apparent low bidder, is not a small disadvantaged business, and that Wu, as the apparent second-low bidder, should receive the award.

Under the Department of Defense's small disadvantaged business contracting program, the small disadvantaged business status of a bidder is determined by the Small Business Administration (SBA), not the General Accounting Office, 13 C.F.R. §§ 124.601 et seq. Under SBA's regulations, a protest challenging the disadvantaged status of a bidder or offeror is to be timely filed with the contracting officer, who in turn refers it to the SBA for a decision. 13 C.F.R. § 124.605. Accordingly, there is no basis for us to consider this issue.

The protest is dismissed.

Ronald Berger
Ronald Berger
Associate General Counsel