



Comptroller General
of the United States
Washington, D.C. 20548

Decision

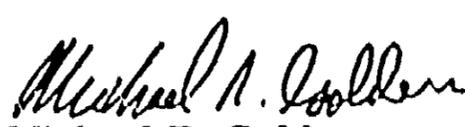
Matter of: Innovative Technology, Inc.
File: B-261115
Date: May 8, 1995

DECISION

Innovative Technology, Inc. protests the award of a contract to MBraun, Inc. by the Department of the Navy under solicitation No. N00014-95-R-DW04.

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. Survive Eng'g Co., B-235958, *supra*; Antenna Prods. Corp., B-227116.2, Mar. 23, 1988, 88-1 CPD ¶ 297.

Accordingly, the protest is dismissed.¹


Michael R. Golden
Acting Associate General Counsel

¹With regard to the protester's contention that MBraun will be providing a German product, when the Buy American Act, 41 U.S.C. §§ 10a-10d (1988), applies to a procurement, the successful bidder or offeror certifies whether it will furnish domestic or foreign products. When a bidder or offeror certifies that it will provide domestic products, it is obligated to comply with that certification. A protester's allegation that a bidder cannot or will not supply domestic products concerns a matter of responsibility which generally we will not review absent a showing of possible fraud or bad faith, or that definitive responsibility criteria were not followed. Bryant Org., B-228042.2, Jan. 7, 1988, 88-1 CPD ¶ 10.