

Mr. Becker



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

Decision

Matter of: SRS Technologies, Inc.

File: B-261597

Date: July 3, 1995

DECISION

SRS Technologies, Inc. protests the award of a contract to OAO Corporation by the Department of the Navy under solicitation No. N68939-94-R-0005, a small disadvantaged business (SDB) set-aside.

We dismiss the protest.

On October 4, 1994, SRS submitted a proposal in response to the solicitation. SRS certified that it was an SDB but also informed the contracting officer pursuant to 13 C.F.R. § 124.609(h)(2) (1995) that it had previously been determined to be other than an SDB but that its circumstances had changed. Award was made to OAO on May 23, 1995; the instant protest followed, challenging award to OAO on the basis that OAO is not an SDB and that OAO is not a responsible firm.

SRS was found to be other than an SDB in September of 1993 by the Small Business Administration (SBA) on the grounds that it is not economically disadvantaged. The SBA reached that same conclusion in March and April of 1995, in connection with another procurement. The SBA's regulations state that a disadvantaged status determination remains in effect until reversed, 13 C.F.R. § 124.609(h), and the SBA in this case has stated, in letters to both the contracting officer and SRS, and also in its size determination decision on OAO, that it does not consider SRS to be an SDB for this procurement. Under these circumstances, we view SRS as not an interested party entitled to protest under our Bid Protest Regulations. We therefore dismiss the protest.

Ronald Berger

Ronald Berger
Associate General Counsel

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