

Michael Golden



Comptroller General
of the United States

441308

Washington, D.C. 20548

Decision

Matter of: United Native American Telecommunications, Inc.

File: B-261503; B-261591

Date: September 1, 1995

DECISION

United Native American Telecommunications, Inc. (UNAT) protests the award of contracts to LDDS Communications Corporation under two unrestricted solicitations, Nos. AV14DEC940110 and NA03MAR951101-1, issued by the Defense Information Systems Agency for the installation and maintenance of analog circuits. UNAT maintains that the agency improperly failed to apply a 10 percent evaluation preference for small disadvantaged businesses (SDB) in each case.

We dismiss the protests.

LDDS submitted the low bid under each solicitation; however, with the application of a 10 percent SDB evaluation preference claimed by UNAT in each case, the protester would have been evaluated as the low bidder. The agency concluded that UNAT did not qualify for the preference. LDDS timely protested UNAT's small business size status and the agency referred the matter to the Small Business Administration (SBA). On August 11, 1995, SBA issued size determinations effective for each procurement finding UNAT to be other than a small business.

Based on the SBA determinations¹, UNAT does not qualify for the SDB evaluation preference and, therefore, would not be in line for award in either procurement even if we were to sustain its protests. Accordingly, UNAT is not an interested party to protest pursuant to our Bid Protest

¹Challenges to the size status of particular firms are reviewable solely by the SBA. 15 U.S.C. § 637(b)(6) (1988); 4 C.F.R. § 21.3(m)(2) (1995).

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Regulations, 4 C.F.R. § 21.0(a), and its protests are dismissed. S.A. SABER, B-249874, Dec. 10, 1992, 92-2 CPD ¶ 403.

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