

DOCUMENT RESUME

02077 - [A1172168]

[Small Business Size Status of Bidder]. B-188782. April 25, 1977. 1 pp.

Decision re: General Automatic Corp.; by Paul G. Deubling, General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel; Procurement Law I.

Budget Function: National Defense: Department of Defense - Procurement & Contracts (058).

Organization Concerned: Department of the Army; Small Business Administration.

Authority: 15 U.S.C. 637(b)(6). B-187392 (1976).

Protester alleged that the apparent low bidders were ineligible for the award since the procurement was a 100% small business set-aside, and the apparent low bidders are not small business concerns. Conclusive authority over the question of small business size status is vested by statute in the Small Business Administration, and is not for consideration by GAO. (Author/SC)

02077

L. Kozlakowski
Proc I

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-188782

DATE: April 25, 1977

MATTER OF: General Automatic Corporation

DIGEST:

Question concerning small business size status of bidder is not for consideration by GAO since conclusiva authority over question is vested by statute in SBA.

General Automatic Corporation (General) has protested the proposed award of a contract by the Department of the Army, under invitation for bids (IFB) No. DAAK07-77-B-3259 for a "Parts Kit." General alleges that the apparent low bidders are ineligible for award since the procurement is a 100-percent small business set-aside and the apparent low bidders are not small business concerns.

The Small Business Administration has been granted conclusive authority under 15 U.S.C. 637(b)(6) (1970) to determine the size of small business concerns for procurement purposes. Therefore, our Office does not review questions of a bidder's small business size status. White Brothers Trucking Company, B-187392, December 23, 1976, 76-2 CPD 530.

Accordingly, the protest is dismissed.

Paul G. Deubling
Paul G. Deubling
General Counsel