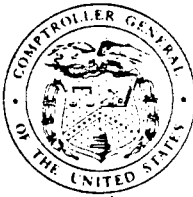


DECISION



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

FILE: B-187083

DATE: August 23, 1976

MATTER OF: E. I. Kane, Inc.

61383

98642

DIGEST:

1. Size standards to qualify as small business are vested in SBA and are not for consideration by GAO.
2. GAO has no authority to direct contracting officer to withhold award pending appeal to SBA Size Appeals Board.

E. I. Kane, Inc. (Kane), protests the contemplated award under invitation for bids No. 76-20, a small business set-aside issued by the Department of Labor for moving services. Kane has protested the size standard in the invitation for a concern to be considered a small business to the Small Business Administration (SBA) Size Appeals Board. Kane requests that this Office direct the contracting officer to withhold the award until a final determination is made by the SBA Size Appeals Board.

Size standard issues are within the province of SBA. Dynamic International, Inc., B-185337, January 5, 1976, 76-1 CPD 11. Further, this Office has no authority to direct a contracting officer to withhold an award pending appeal to the SBA Size Appeals Board.

Accordingly, this Office must decline to consider Kane's protest.

A handwritten signature in cursive script, reading "Paul G. Dembling".
Paul G. Dembling
General Counsel