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**DECISION**



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

FILE: B-187504, B-187505

DATE: October 13, 1976

MATTER OF: Pacific American Airlines

**DIGEST:**

Protests concerning small business size status of proposed awardees is not for consideration by General Accounting Office since conclusive authority over matter is vested by statute in Small Business Administration.

Pacific American Airlines (Pacific) has protested the proposed awards of contracts under solicitation Nos. F11626-76-R-0028 and F11626-76-R-0030, issued by the Military Airlift Command, United States Air Force, to Aspen Airways, Inc. and to Evergreen International Airlines. The protester questions the small business size status of the proposed awardees.

Pacific states that the Small Business Administration (SBA) Size Appeals Board has ruled that the proposed awardees are small. However, Pacific contends that the Size Appeals Board's ruling "was based on several erroneous facts and conclusions" and is therefore erroneous. The protester also has advised us informally that the Size Appeals Board is reconsidering its position.

Under 15 U.S.C. § 637(b)(6)(1970) the SBA is empowered to conclusively determine a business concern's small business size status for Federal procurement purposes. Thus, under this statute and SBA's implementing regulations, see 13 C.F.R. Part 121 (1975), SBA is the "sole adjudicator" of the size standard issue in question, and the decisions of its Size Appeals Board are final. See Spradlin Corporation, B-186167, April 15, 1976, 76-1 CPD 257 and cases cited therein. Since it is the duty of SBA and not the General Accounting Office to determine the size status of a business concern, and since Pacific states it has a request for reconsideration pending with the SBA Size Appeals Board, the protest is not for consideration by our Office.

Accordingly, we are closing our file on this matter.

*for Milton Forster*  
Paul G. Dembling  
General Counsel