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T. Sano
Proc I

DECISION



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

FILE: B-188149

DATE: January 25, 1977

MATTER OF: Joe Silva

DIGEST: GAO will not consider protest questioning small business status of concern since authority to determine size status of business concerns is vested in SBA.

By letter dated January 6, 1977, Mr. Joe Silva protests the prospective award of a contract for refuse collection services to Moore Services, Inc. (Moore), under invitation for bids No. DABT 51-76-2-0244, a small business set-aside, issued by the United States Army. Essentially, the protest questions Moore's small business size status.

Pursuant to 15 U.S.C. § 637(b)(6) (1970), the authority to determine the size status of a business concern is exclusively vested in the Small Business Administration and is not subject to GAO review. Cottrell Engineering Corporation; Barnegat Bay Dredging Co., Inc., B-185930, March 2, 1976, 76-1 CPD 152. Thus, we will not consider the protest on the merits.

Paul G. Deabling
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General Counsel