

DOCUMENT RESUME

03875 - [A2774005]

[Small Business Size Status of Bidder]. B-190128. September 29, 1977. 1 pp.

Decision re: Walco Power Service, Inc.; by Milton Socolar (for Paul G. Dembling, 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: Small Business Administration; Veterans Administration.

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

The protester alleged that the apparent low bidder was ineligible for an award since the procurement was a 100% set-aside for small business and the low bidder was not a small business concern. The Small Business Administration has exclusive jurisdiction over the small business size status of bidders. (Author/SC)

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L. Keyle
Proc. I



DECISION

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

FILE: B-190128 DATE: September 29, 1977
MATTER OF: Walco Power Service, Inc.

DIGEST:

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

Walco Power Service, Inc. (Walco), has protested the proposed award of a contract by the Veterans Administration, under project No. 75-101. Walco alleges that the apparent low bidder is ineligible for award since the procurement is a 100-percent small business set-aside and the apparent low bidder is not a small business concern.

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.

Shelton J. Auster
for Paul G. Dembling
General Counsel