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DECISION



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

FILE: B-190537

DATE: November 14, 1977

MATTER OF: Haughton Elevator Division,
Reliance Electric Company

DIGEST:

Protest grounded in firm's request that this Office compel agency to suspend award until firm can have its application for small business size status determined by the SBA is dismissed.

Haughton Elevator Division, Reliance Electric Company (Haughton) protests any award of a contract under the Veterans Administration's (VA) solicitation No. 523-1-78 for elevator maintenance services. According to Haughton, the procurement has been set aside entirely for small businesses under 15 U.S.C. § 637 (1970), as amended. Haughton states that it is unable to certify itself as a small business under Federal Procurement Regulations (FPR) § 1-1.703-1(b). Consequently, under 13 C.F.R. § 121.3-4 (1977), Haughton has applied for a size determination from the Small Business Administration, and, according to Haughton, the matter is under consideration. Haughton requests that we compel VA to withhold any award until SBA issues a decision as to Haughton's eligibility for award of this contract.

Regarding Haughton's request that this Office compel VA to withhold award until final determination by SBA, we have no authority to do so. Kleen-Rite Corporation, B-184917, October 21, 1975, 75-2 CPD 249. Moreover, unlike the situation in Kleen-Rite which involved Kleen-Rite's protest of the apparent low bidder's size status, there is no obligation upon the procuring activity to suspend procurement action pending SBA's action on Haughton's application.

Accordingly, the protest is dismissed.

Paul G. Dembling
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General Counsel