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DECISION



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

FILE: B-205009

DATE: October 16, 1981

MATTER OF: Freedom Elevator Corporation

DIGEST:

Protest concerning small business size status will not be considered by GAO since authority to conclusively determine size status is vested in Small Business Administration.

Freedom Elevator Corporation protests the award of a contract to the low and second low bidders under invitation for bids (IFB) No. 527-19-82, issued by the Veterans Administration Medical Center, Brooklyn, on the grounds that neither company is a small business concern as required by the IFB.

We will not consider the protest. Under 15 U.S.C. 637(b)(6) (1976), the Small Business Administration is empowered to conclusively determine matters of small business size status for Federal procurement and sales purposes. JAN Devices, Inc., B-202435, March 31, 1981, 81-1 CPD 243.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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