

**DECISION**

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

**FILE:** B-208872

**DATE:** October 8, 1982

**MATTER OF:** Securiguard, Inc.

**DIGEST:**

1. GAO does not consider allegations that certain bidders are ineligible for set-aside award because they are not small businesses, as exclusive authority to decide matters concerning small business size status is vested in the Small Business Administration.
2. Allegation that firms are fraudulently certifying themselves as small businesses in order to qualify for set-aside awards is matter of criminal conduct for consideration by the Department of Justice and, thus, will not be reviewed by GAO.

Securiguard, Inc., protests the award of any contract to either Ford Enterprises/Scott Security (Ford) or Honorguard Security, a division of Career Consultants (Honorguard), under solicitation No. S3121172 issued by the Department of the Interior, Bureau of Mines. Securiguard contends that both bidders are ineligible for award because they are not small businesses. Securiguard believes that the bidders' respective bid self-certifications, as having small businesses status, are illegal.

In order to rule on Ford's and Honorguard's eligibility for award, we would necessarily have to consider whether those firms were in fact small businesses under the size standard applicable to these procurements. As we have stated in numerous prior decisions, our Office is not empowered to make such determinations. Rather, under 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration (SBA) has exclusive authority to determine matters of small business size status for procurement purposes. Therefore, we will not consider whether Ford and Honorguard qualify for award as small businesses. Industrial Lease, Inc., of Fayetteville, B-204446, August 3, 1981, 81-2 CPD 191.

To the extent that Securiguard alleges that Ford and Honorguard are engaging in fraudulent bidding practices, this matter should be taken up with the Department of Justice. Gillette Industries, Inc., B-204232, August 13, 1981, 81-2 CPD 139. The protest is dismissed.

*for* *J. H. Barclay, Jr.*  
Harry R. Van Cleve  
Acting General Counsel