

DECISION



2-2-83
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-208317.2

DATE: January 13, 1983

MATTER OF: Edwards Enterprises Incorporated

DIGEST:

GAO will not consider a protest of a proposed awardee's small business size status because the Small Business Administration, not GAO, has statutory authority to conclusively determine small business size status for Federal procurements.

Edwards Enterprises Incorporated protests the proposed award of a contract for mess attendant services to be performed at Carswell Air Force Base, Texas, pursuant to invitation for bids No. F41613-82-B-0033, a total small business set-aside. The protester asserts that Logistical Support Incorporated is ineligible for award because it is not a small business for the purpose of this procurement.

We will not consider the protest. The Small Business Administration (SBA), not this Office, has statutory authority to conclusively determine matters of small business size status for Federal procurements. 15 U.S.C. § 637(b) (Supp. IV, 1980); Bobcat of Tidewater, Inc., B-206949, April 12, 1982, 82-1 CPD 337. Any size status challenge must be made according to SBA procedures rather than through a bid protest. Bobcat of Tidewater, Inc., supra.

In this regard, Defense Acquisition Regulation § 1-703(b)(1) (1976 ed.) sets forth the procedure for filing a size status protest. In order to apply to the procurement in question, the protest must have been filed with the contracting officer within 5 working days after the bid opening.

The protest is dismissed.

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

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