

DECISION



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

26456

FILE: B-212995

DATE: October 11, 1983

MATTER OF: Solis General Contractor, Inc.

DIGEST:

Protest concerning the small business size status of bidder is by law a matter for decision by the Small Business Administration and not for consideration by GAO.

Solis General Contractor, Inc. (Solis), protests to award of a contract to Shamrock Construction, Inc. (Shamrock), under invitation for bids (IFB) No. 7100-83A issued by the Department of the Interior, National Park Service.

Initially, Solis protested Shamrock's size status to the Small Business Administration (SBA) and received a dismissal of its protest by the SBA. Pursuant to advice in the dismissal, Shamrock appealed to the SBA Size Appeals Board and sent a copy of the appeal to our Office for consideration. Solis alleges (1) that Shamrock is not a small business, (2) that the contracting officer improperly advised Solis on how to couch its protest of Shamrock's size to the SBA, and (3) that once the improperly phrased size protest had been filed, Government employees failed to warn Solis that its protest was improper.

Under our Bid Protest Procedures, 4 C.F.R. § 21.3(g)(2) (1983), as amended by 48 Fed. Reg. 1931 (1983), we do not review protests concerning the size status of particular firms since these are for review solely by the SBA under 15 U.S.C. § 637(b)(6) (1982). Lordship Industries, Inc., B-212056, June 20, 1983, 83-2 CPD 7,

Accordingly, the protest is dismissed.

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

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