

# DECISION



## THE COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

27124

FILE: B-213920

DATE: December 28, 1983

MATTER OF: Custodial Guidance Systems, Inc.

### DIGEST:

Since the Small Business Administration is vested with conclusive authority to determine whether a concern qualifies as a small business, GAO will not review protests of a concern's small business size status.

Custodial Guidance Systems, Inc. protests the proposed award of a contract to IEM, Inc. under invitation for bids (IFB) No. DAAD05-83-B-5114, issued by the Department of the Army. The IFB apparently was set aside for small business. The protester contends that IEM is affiliated with a large business concern and thus is ineligible for the award. We dismiss the protest.

The Small Business Administration (SBA) is vested with conclusive authority to determine the size status of a business concern for purposes of eligibility for set-aside awards. See 15 U.S.C. § 637(b)(6) (1982). Under the applicable regulations, a protest of a bidder's small business size status must be filed with the contracting officer who in turn forwards the matter to the SBA for resolution. Defense Acquisition Regulation § 1-703(b)(1). Our Office thus will not review size status protests. S & B Industrial Cleaning Division, B-211670, May 18, 1983, 83-1 CPD 529.

The protest is dismissed.

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

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