

DECISION

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

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FILE: B-216824**DATE:** October 31, 1984**MATTER OF:** Burlington Constructors Inc.**DIGEST:**

1. Protest that proposed awardee under small business set-aside should not be considered a small business firm because a large business allegedly will perform most of the contract work is dismissed since the Small Business Administration is empowered to make conclusive determinations on matters of small business size status.
2. Subcontracting with a large business in connection with a construction contract set aside for small businesses is not legally objectionable.

Burlington Constructors Inc. (Burlington) protests the proposed award of a contract to Adams Contracting (Adams) under invitation for bids (IFB) No. F30636-84-B0018 issued by the Department of the Air Force for the repair of hot water lines at the Plattsburgh Air Force Base. The IFB was set aside for small business concerns and the protester complains that Adams should not qualify as a small business because a large business firm allegedly will be doing the majority of the work.

We dismiss the protest.

Under 15 U.S.C. § 637(b) (1982), the Small Business Administration has exclusive authority to determine matters of small business size status for federal procurement and sales purposes. Lordship Industries, Inc., B-212056, June 20, 1983, 83-2 C.P.D. ¶ 7. Therefore, we will not consider Burlington's suggestion that Adams should not be considered a small business because of its alleged arrangement with a large business firm. Automated Datatron Inc., B-205038.2, Dec. 30, 1981, 81-1 C.P.D. ¶ 513. In any event, we point out that subcontracting with a large

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business firm in connection with a construction contract is not legally objectionable. See Engineering Computer Optecnomics, Inc., B-203508, June 22, 1981, 81-1 C.P.D. ¶ 516.

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