



The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: Gelco Space  
File: B-229840  
Date: March 17, 1988

## DIGEST

The General Accounting Office will not consider that a solicitation has the wrong standard industrial classification used to determine the small business size standard for the procurement, since conclusive authority to determine the proper classification is vested in the Small Business Administration.

## DECISION

Gelco Space protests the Department of the Air Force's selection of the Standard Industrial Classification (SIC) for the work under invitation for bids No. F41650-87-B-7095, a 100-percent small business set-aside, for two modular facilities at Kelly Air Force Base, Texas. The SIC is used to determine the appropriate small business size standard, and in addition, classifying a contract as construction subjects contractors to the labor provisions and wage rate determinations of the Davis-Bacon Act, rather than those of the Walsh-Healey Act, which applies to supplies.


We dismiss the protest.

Gelco contends that the Air Force should have classified the procurement as a supply action subject to a manufacturing size standard instead of a construction contract subject to a construction industry size standard.

The contracting officer determined that the procurement met the definition for installation of prefabricated building equipment in the construction division of the SIC. Gelco argues that the installation of the modular buildings was incidental to the sale of the prefabricated equipment and thus should be classified as manufacturing under the SIC.

The initial determination of the appropriate classification of a product or services being procured is made by the contracting officer, with the affected firms having the right of appeal to the Small Business Administration (SBA). The SBA's determination on this matter is conclusive, and therefore our Office will not consider such issues. Federal Acquisition Regulation § 19.303(c); Libby Corp., B-228326, Oct. 9, 1987, 87-2 CPD ¶ 351.

The protest is dismissed.



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General Counsel