



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** American International Traveler

**File:** B-257219

**Date:** May 20, 1994

### DECISION

American International Traveler (AIT) protests the award of a contract to Alamo Travel & Tours, Inc. under request for proposals (RFP) No. 7FXI-X5-93-S009-N, issued by the General Services Administration (GSA) for the establishment and operation of certain travel management centers.

We dismiss the protest.

The RFP was issued on December 3, 1993, as a 100 percent small business set-aside, for which the applicable size standard was \$500,000 in annual receipts. Seven proposals, including those of AIT and Alamo, were received by the January 12, 1994, closing date for the receipt of proposals. On the basis of indications in AIT's proposal which suggested that the company might not qualify as a small business, GSA requested that the Small Business Administration (SBA) determine whether AIT was a small business for the purposes of this procurement. On February 24, SBA determined that AIT did not qualify as a small business under the applicable size standard.

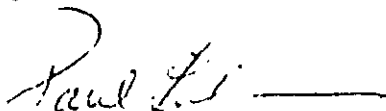
Through a final rule effective April 22, 1994, SBA raised the size standard relevant to the RFP from \$500,000 to \$1,000,000 in annual receipts. On May 5, SBA issued a clarification stating that, under SBA regulations, changes to size standards apply only to solicitations issued on or after the effective date of the changes. On April 26, after issuance of the final rule amending the size standard but prior to issuance of the SBA clarification, GSA awarded the contract to Alamo.

AIT contends that GSA was required to amend the RFP to reflect the revised size standard; in the alternative, AIT asserts that, if the governing size standard remains \$500,000 in annual receipts, Alamo does not qualify as a small business.

AIT's contention that GSA was required to amend the RFP assumes that, prior to issuance of SBA's May 5 clarification, the change to the size standard applied to this solicitation. There is no basis in law for this assumption. SBA's May 5 clarification did not effect any substantive change; it simply noted that modifications to size standards are applicable only to solicitations issued on or after the date the changes are effective, a point that AIT does not dispute. Accordingly, the governing size standard for this procurement is the \$500,000 limit which was in effect at the time the solicitation was issued.

Under that standard, SBA found that AIT did not qualify as a small business, and AIT therefore is not an interested party to challenge the award to Alamo. 4 C.F.R. § 21.0(a) (1994); ARO Corp., B-231438, July 22, 1988, 88-2 CPD ¶ 74. Moreover, AIT's challenge to Alamo's size status is solely for consideration by SBA, and is not for review by our Office. 4 C.F.R. § 21.3(m)(2).

The protest is dismissed.



Paul Lieberman  
Assistant General Counsel