



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sun Belt Builders, Inc.

File: B-261320

Date: May 11, 1995

DECISION

Sun Belt Builders, Inc. protests the proposed award of a contract to H.J. Group Ventures, Inc. by the Department of the Air Force under solicitation No. F00608-94-R-0042.

We dismiss the protest because our Office does not review size determinations or the stewardship of small disadvantaged business contracting programs.

The Small Business Act, 15 U.S.C. § 637(b)(6) (1988), gives the Small Business Administration (SBA), not our Office, the conclusive authority to determine matters of small business size status for federal procurements. 4 C.F.R. § 21.3(m)(2); Survive Eng'g Co., B-235958, July 20, 1989, 89-2 CPD ¶ 71. Thus, we will not review a protester's challenge to another company's size status, nor will we review a decision by the SBA that a company is, or is not, a small business for purposes of conducting federal procurements. Survive Eng'g Co., B-235958, *supra*; Antenna Prods. Corp., B-227116.2, Mar. 23, 1988, 88-1 CPD ¶ 297.

Small disadvantaged business status under the Department of Defense's small disadvantaged business contracting program is also determined by the SBA, not the General Accounting Office. 13 C.F.R. §§ 124.601 *et seq.* Under SBA's regulations, a protest challenging the disadvantaged status of a bidder or offeror is to be timely filed with the contracting officer, who in turn refers it to the SBA for a decision. 13 C.F.R. § 124.605.

Accordingly, we are without jurisdiction in this matter and the protest is dismissed.

Michael R. Golden

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