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R. Feldman
Proct H

DECISION



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

FILE: B-191462(2)

DATE: March 23, 1978

MATTER OF: Mann's Construction Co.

DIGEST:

GAO will not consider protest questioning small business status of low bidder because conclusive authority to determine size status of business concerns lies with SBA.

Mann's Construction Co. (Mann's) protests the eligibility of the apparent low bidder as a small business concern under invitation for bids (IFB) DAAH03-79-B-0021 issued by the U. S. Army, Redstone Arsenal, Alabama.

Pursuant to 15 U.S.C. § 637(b)(6) (1970), the conclusive authority to determine the small business size status of a business concern lies with the Small Business Administration (SBA) and is not subject to GAO review. Key Security, Inc., B-190253, October 6, 1977, 77-2 CPD 276.

Accordingly, the protest is dismissed.


Paul G. Dembling
General Counsel