

**DECISION**



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

**FILE: B-208249.2**

**DATE: August 31, 1982**

**MATTER OF: Putnam Mills Corporation--Reconsideration**

**DIGEST:**

Prior decision, which dismissed a protest on the basis that allegations concerning the small business size status of a concern will not be considered by GAO since conclusive authority for size status determinations is vested in the Small Business Administration, is affirmed.

Putnam Mills Corporation requests that we reconsider our decision on the matter of Putnam Mills Corporation, B-208249, July 23, 1982, 82-2 CPD \_\_\_\_\_. In that decision we dismissed Putnam Mills' protest concerning the proposed award of a contract to H. Landau Co. under invitation for bids No. DLA 100-82-B-0797, a small business set-aside issued by the Defense Logistics Agency. Putnam Mills alleged that H. Landau planned to secure dyeing and finishing services in connection with the set-aside from a firm which is not a small business and that therefore H. Landau did not qualify as a small business concern with respect to this procurement. We dismissed the protest on the basis that under 15 U.S.C. § 637(b)(6) (1976), the SBA conclusively determines size status for Federal procurements. In view of the SBA's conclusive authority, our Office will not review questions concerning a bidder's small business size status. See Doyle Shirt Manufacturing Corp., B-205959, January 11, 1982, 82-1 CPD 28.

Putnam Mills' now requests that we reconsider our decision on the basis of additional evidence which, in the protester's view, shows that H. Landau's supplier is not a small business concern. Our initial decision was based entirely upon the SBA's conclusive authority to determine size status and not upon an insufficient factual showing. Thus, the additional evidence is irrelevant. Since Putnam Mills has not established

that our prior decision was based on an error of fact or law, we affirm our decision. Federal Sales Service, Inc.--Reconsideration, B-198452, June 16, 1960, 80-1 CPD 418.

*Milton J. Fowler*

Acting Comptroller General  
of the United States