

**DECISION**



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

82-2 CPD 555

**FILE:** B-209730.2

**DATE:** December 20, 1982

**MATTER OF:** Science Information Services, Inc.

**DIGEST:**

A decision of the Small Business Administration's Size Appeal Board concerning the proper Standard Industrial Classification (SIC) to be utilized in a procurement is conclusive on our Office and, therefore, our Office declines to consider such issues.

Science Information Services, Inc. (Science), protests the decision of the Small Business Administration's (SBA) Size Appeals Board (Board) in regard to the small business size standard utilized in request for proposals (RFP) No. 200-82-2530(P) issued by the National Institute for Occupational Safety and Health, Centers for Disease Control.

Science argues that the contracting officer (CO) was incorrect in utilizing Standard Industrial Classification (SIC) 7374 with \$4 million average annual receipts as the small business size standard. Moreover, Science submits that "the [CO] made false and misleading statements to the Board and the Board relied on these statements in rendering its decision." Science argues that the major elements of this procurement appear to be under SIC 7399 (Business Services), SIC 7392 (Management and Consulting Services) or SIC 8999 (Services).

Under SBA regulations, the initial determination of the appropriate classification of a product or services being procured shall be made by the CO with the right of appeal to the SBA's Board. 13 C.F.R. §§ 121.3-8 and 121.3-6 (1982). The SBA's determination is conclusive on such matters and, therefore, our Office declines to consider such issues. See SMI/New York, Division of Caelter Industries, Inc., B-198542, May 22, 1980, 80-1 CPD 351, aff'd on reconsideration, June 17, 1980, 80-1 CPD 424.

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel