

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548FILED
25179

FILE: B-211670

DATE: May 18, 1983

MATTER OF: D & B Industrial Cleaning Division

DIGEST:

Questions concerning a bidder's small business size status are not for consideration by GAO since conclusive authority over such matters is vested by statute in Small Business Administration.

D & B Industrial Cleaning Division (D & B) protests any award under Invitation for Bids DAHA47-83-B-0005, issued by the Department of the Army for floor covering. D & B alleges that the apparent low bidder does not qualify as a small business. We will not consider the matter.

Pursuant to 15 U.S.C. § 637(b)(6) (1976), the Small Business Administration (SBA) has conclusive authority to determine the size status of a business concern. Under the applicable regulations, a protest of a bidder's small business size status must be filed with the contracting officer who in turn is to forward the matter to SBA for resolution. Defense Acquisition Regulation § 1-703(b)(1). Therefore, our Office does not review challenges to a bidder's small business size status. Ridg-U Rak, Inc., B-207837, July 26, 1982, 82-2 CPD 78.

D & B also complains that the apparent low bidder is being unfairly subsidized by a supplier. That is not a procurement matter for review by our Office.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel

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