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DECISION



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

21471

FILE: B-206834

DATE: April 12, 1982

MATTER OF: Compulaser Incorporated

DIGEST:

GAO will not consider a protest of a bidder's small business size status, because the Small Business Administration, not GAO, has statutory authority to conclusively determine small business size status for Federal procurements.

Compulaser Incorporated protests the National Bureau of Standards' (NBS) award of a contract to C.W. Hench under NBS invitation for bids (IFB) No. SB82NBS0007. The IFB--to supply NBS with a laser system--was totally set aside for small business concerns. Therefore, to be eligible for award, a bidder had to be a small business concern and had to offer a system manufactured by a small business concern. The protester alleges that the company identified in C.W. Hench's bid as the manufacturer of the item to be furnished is not a small business.

We will not consider the protest. The Small Business Administration (SBA), not this Office, has statutory authority to conclusively determine matters of small business size status for Federal procurements. 15 U.S.C. § 637(b) (Supp. III 1979); Kelley Name Pin Co., Inc., B-204735, September 22, 1981, 81-2 CPD 242. Any size status challenge must be made according to SBA procedures rather than through a bid protest. Technical Food Services, Inc., B-203742.2, September 15, 1981, 81-2 CPD 219.

In this regard, Federal Procurement Regulations (FPR) § 1-1.703-2 (1964 ed.) sets forth the procedure for filing a size status protest. In order to apply

to the procurement in question, such protest must be filed with the contracting officer within five working days after bid opening. FPR § 1-1.703-2(b)(1).

The protest is dismissed.

Fa *J. H. Bailey, Jr.*
Harry R. Van Cleve
Acting General Counsel