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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Adrian Supply Company
File: B-246001
Date: October 8, 1991

Bob Stormberg for the protester, Catherine M. Evans, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

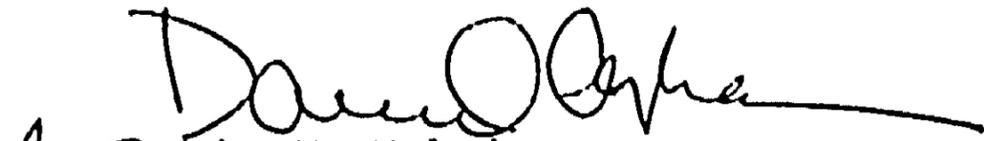
Protest of agency's failure to enforce solicitation's small business set-aside provisions in awarding a contract amounts to protest of awardee's size status, a matter that General Accounting Office will not consider.

DECISION

Adrian Supply Company protests the award of a contract under invitation for bids (IFB) No. N651-IFB1-3072, issued by the Department of the Interior, on the basis that the awardee is not a small business.

The Small Business Act, 15 U.S.C. § 637(b)(6) (1988), gives the Small Business Administration, not our Office, the conclusive authority to determine matters of small business size status for federal procurements. 4 C.F.R. § 21.3(m)(2); Survive Eng'g Co., B-235958, July 20, 1989, 89-2 CPD ¶ 71. Thus, we will not review a protester's challenge to another company's size status. Id. While Adrian maintains that it is not protesting the awardee's size, but rather "the agency's complete failure to enforce the set-aside provisions when confronted with [the awardee's] blatantly obvious attempt to circumvent them," this assertion does not change the fact that Adrian contests the awardee's representation of its size status.

Accordingly, the protest is dismissed.


John M. Melody
Assistant General Counsel