

092186



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

30907

B-178480

MAY 14 1973

Unidynamics/St. Louis, Inc.
472 Paul Avenue
St. Louis, Missouri 63135

DLG 06 474

Attention: Mr. Jeffrey L. Michelman
Assistant to the President

W 39
35

Gentlemen:

Reference is made to your letter of April 18, 1973, with enclosure, protesting the award of any contract under Air Force invitation for bids F41699-73-B-0283 pending resolution of your appeal to the Size Appeals Board, Small Business Administration (SBA).

The subject solicitation is a total small business set-aside under which you are the low bidder. The second low bidder protested to SBA that you were not a small business concern. On April 17, 1973, the SBA District Director issued his determination that you were not a small business concern, from which decision you have taken a timely appeal to the SBA Size Appeals Board.

Our Office is without authority to require a procuring agency to withhold an award pending resolution of a size appeal. If the contracting officer makes a determination of urgency under paragraph 1-703(b)(3)(iv) of the Armed Services Procurement Regulation (ASPR), a valid award may be made. If this determination is not made, the contracting officer must wait 20 working days for receipt of the decision of the Size Appeals Board as required by ASPR 1-703(b)(3)(ii) before proceeding with an award. No further action by our Office appears necessary under the circumstances.

Sincerely yours,

Paul G. Donbling

[Protest of Air Force Award
of Contract]

For the Comptroller General
of the United States

715909

BEST DOCUMENT AVAILABLE