

DECISION

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

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FILE: B-214116**DATE:** February 1, 1984**MATTER OF:** Accent General, Inc.**DIGEST:**

1. GAO will not consider an allegation that a firm is not in compliance with a solicitation's general licensing requirement because this is a matter to be resolved between state and local authorities and the contractor and only in limited situations concerns an affirmative finding of responsibility which is not reviewed by GAO except in circumstances not present here.
2. GAO does not consider small business size status since by law conclusive authority over the matter is vested in the Small Business Administration.

Accent General, Inc. (Accent), protests the proposed award to American Pacific Electric Contracting, Inc. (American Pacific), of a contract under invitation for bids (IFB) N62474-81-B-8988, issued by the Department of the Navy.

We dismiss the protest without obtaining a report from the contracting agency in accordance with section 21.3(g) of our Bid Protest Procedures, 4 C.F.R. § 21.3(g), as amended January 17, 1983, 48 Fed. Reg. 1931 (1983), since the protest shows that one basis of the protest concerns a matter which our Office does not consider under the circumstances presented and the second basis of protest concerns a matter under the exclusive jurisdiction of another agency.

Accent alleges, first, that American Pacific does not comply with the requirement in the general licensing provisions of the IFB because Accent is not in compliance with California Contractors License Laws and, second, that American Pacific is not qualified for award under the small business set-aside since it is believed to be associated with American Electric.

With exceptions not alleged, the failure of a contractor to obtain all necessary licenses and permits under general licensing provisions of the IFB is a matter to

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be resolved between the contractor and the state and local authorities and does not warrant rejection of the low bidder. This also concerns an affirmative determination of responsibility, which will not be reviewed by our Office in the absence of circumstances also not here alleged. See Goodhew Ambulance Service, Inc., B-209488.2, May 9, 1983, 83-1 CPD 487.

The determination of small business size status for federal procurement purposes is within the exclusive jurisdiction of the Small Business Administration under the provisions of 15 U.S.C. § 637(b)(6) (1982). Therefore, our Office does not consider size status protests. See Bid Protest Procedures, 4 C.F.R. § 21.3(g)(2), added by 48 Fed. Reg. 1932 (1983); Crawford Technical Services, Inc., B-212810, September 20, 1983, 83-2 CPD 351.

Harry R. Van Cleve
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