



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

40229

November 20, 1973

B-179737

Lenihan, Ivers, Jensen and McAtcoy
Attorneys at Law
1114 Norton Building
Seattle, Washington 98104

Attention: William F. Lenihan, Esq.

Gentlemen:

This is in reply to your letter of October 7, 1973, on behalf of Forest Vancouver Plywood Company regarding its possible award of a contract to Central Inshore Forest Products, Inc. (CIFI) on a U.S. Forest Service timber sale named the "Peace" sale, in 1972, in Clifton Pinchot National Forest.

The protest is based on the allegation that CIFI is a large business and therefore ineligible for award under the "small" sale which was a small business enterprise.

Enclosed is a copy of a letter dated October 9, 1973, which we received from the Forest Service regarding your protest. From this letter, it is apparent that as a result of your protest against the size status of CIFI, the matter has been forwarded to the Small Business Administration (SBA) for a size determination. The letter indicates further that award is being withheld pending the opinion of SBA and that if the SBA determines CIFI to be a small business, Forest Vancouver will have the opportunity to appeal to the Small Business Board. In conclusion, the Forest Service states that it will be governed by the determination of the SBA as regards those firms eligible for award of the contract.

Based on the above information and the fact that under 15 U.S.C. 637(b)(6), a decision of SBA regarding the size status of a concern is conclusive and may not be ignored by our Office, we are closing our file on the matter without further action. 46 Comp. Gen. 858 (1967) and 51 Comp. Gen. 531 (1971).

Sincerely yours,

Paul G. Derbling

For the Comptroller General
of the United States

BEST DOCUMENT AVAILABLE

[Protest Alleging Awardee Is Ineligible]

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