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DECISION



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

FILE B-203542

DATE: August 4, 1981

MATTER OF: Rowe Contracting Service, Inc.

DIGEST:

GAO will review Small Business Administration compliance with its Standard Operating Procedures governing award of 8(a) contracts only when showing of bad faith or fraud on part of Government officials has been made. No such showing has been made, so protest is dismissed.

Rowe Contracting Service, Inc., protests the proposed award of contracts No. DACW29-80-C-0176 and No. DTFA07-80-C-02795 by the Department of the Army and the Department of Transportation to the Small Business Administration (SBA) and the proposed award of subsequent subcontracts under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1976), as amended by Pub. L. 95-507, October 24, 1978, 92 Stat. 1757.

The protester alleges that the SBA has not studied the impact on other small businesses of reserving these requirements for 8(a) subcontracting, as required by SBA Standard Operating Procedures 80-5 ¶ 52(e) (1979).

This Office will not review alleged violations of the SBA Standard Operating Procedures absent a showing of fraud or bad faith on the part of Government procurement officials, because the Procedures are primarily internal agency guidelines and may be waived or revoked. International Business Investments Inc., B-202368, April 9, 1981, 81-1 CPD 275.

Accordingly, the protest is dismissed.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

[Protest Involving Small Business Administration]

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