

6064

DECISION



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

FILE: B-191486, B-191581 DATE: April 18, 1978

**MATTER OF: Communicology, Inc.
Ocean Technology, Inc.**

DIGEST:

Determination to set aside procurement under section 8(a) of Small Business Act is a matter for contracting agency and SBA, and is not considered by GAO under Bid Protest Procedure.

Communicology, Inc. and Ocean Technology, Inc. have protested the noncompetitive award of a contract by the Department of the Air Force under the Small Business Administration's (SBA) 8(a) program.

Section 8(a) of the Small Business Act (SBA) (15 U.S.C. 637 (a)) authorizes the SBA to enter into contracts with any Government agency having procurement powers, and the contracting officer of such agency is authorized in his discretion to let the contract to SBA upon such terms and conditions as may be agreed upon between SBA and the procuring agency. It is clear, therefore, that the determination to initiate a set-aside under section 8(a) and to dispense with competition is a matter within the sound discretion of the SBA and the contracting agency. Steamatic by M & S Tolcser, B-190799, December 22, 1977, 77-2 CPD 496.

The protest is dismissed.

Paul G. Dembling
Paul G. Dembling
General Counsel



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

C. K. K.
P. 2

OFFICE OF GENERAL COUNSEL

B-191581
B-191486

April 18, 1978

The Honorable Robert E. Badham
House of Representatives

Dear Mr. Badham:

We refer to your interest in the award of a contract for AN/UPA-62C Indicator and Cabinets by the Department of the Air Force under the Small Business Administration's 8(a) program.

Enclosed is a copy of our decision of today dismissing protests against the award filed by Communicology, Inc. and Ocean Technology, Inc.

Sincerely yours,

Paul G. Dembling
Paul G. Dembling
General Counsel

Enclosure