

DOCUMENT RESUME

03308 - [A2353477]

[Protest to Contract Award under Small Business Act]. B-189633.  
August 19, 1977. 1 pp.

Decision re: Trans-American Services, Inc.; by Paul G. Deabling,  
General Counsel.

Issue Area: Federal Procurement of Goods and Services (1900).

Contact: Office of the General Counsel: Procurement Law I.

Budget Function: National Defense: Department of Defense -  
Procurement & Contracts (058).

Organization Concerned: Department of the Army: Fort Sheridan,  
IL; Small Business Administration.

Authority: Small Business Act, sec. 8(a) (15 U.S.C. 637(a)).  
B-186066 (1976).

A protest was made to a proposed contract award under a  
Small Business Administration (SBA) program because of the SBA  
Administrator's decision to bar future entry into the program by  
any firm until determinations are made with reference to  
fraudulent misrepresentations by contractors. GAO does not  
review protests related to set aside procurements under section  
8(a) of the Small Business Act. (RTW)

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**DECISION**



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

PL-1

**FILE: B-189633**

**DATE: August 19, 1977**

**MATTER OF: Trans-American Services, Inc.**

**DIGEST:**

Since determination to set aside procurements and to award contracts under section 8(a) of Small Business Act is matter for contracting activity and SBA, protest related thereto will not be reviewed by GAO.

Trans-American Services, Inc., protests the proposed contract award by Fort Sheridan under the 8(a) program of the Small Business Administration (SBA) in view of the SBA Administrator's decision, due to fraudulent misrepresentations made by some 8(a) contractors, to bar future entry into and completion of the program by any firm until a review has determined the firm to be eligible to take part in the program.

Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1970), 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 the SBA upon such terms and conditions as may be agreed upon between the SBA and the procurement activity. In view of the broad discretion afforded under the Act, we believe that a determination to set aside a procurement and to award a contract under section 8(a) of the Small Business Act is for the contracting agency and the SBA and will not be reviewed by our Office. Jet Services, Inc., B-186066, May 4, 1976, 76-1 CPD 300.

Enforcement of the moratorium issued by the SBA Administrator would be for the SBA and not our Office. For informational purposes we note that the moratorium was canceled on July 25, 1977.

Consequently, we will not entertain the protest.

*Paul G. Dembling*  
Paul G. Dembling  
General Counsel