

19073 Ms. Maples

DECISION



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

FILE: B-204230

DATE: August 10, 1981

MATTER OF: J.R. Pope, Inc.

DIGEST:

Selection of contractor for award under section 8(a) of Small Business Act is basically within discretion of contracting agency and the Small Business Administration (SBA) and will not be questioned absent showing of fraud or bad faith on part of Government officials or allegations that SBA regulations were violated.

J.R. Pope, Inc. protests the selection of another company by the Small Business Administration (SBA) for the award of a contract under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (Supp. III 1979). Pope contends that it was instrumental in obtaining the procurement, a construction project for the Department of the Interior, for the 8(a) program and that it was led to believe it would receive the award. Pope further contends that the other company participated in the 8(a) program for only two months and that its selection suggests "some irregular procedures" on the part of SBA.

We will not consider the matter. The selection of an 8(a) contractor is basically within the broad discretion of the SBA and the contracting agency and we will not question such decisions unless fraud or bad faith on the part of the Government officials can be shown or it is alleged that SBA did not follow its own regulations. Maintenance, Incorporated, B-199854, August 27, 1980, 80-2 CPD 155; Black & Decker (U.S.), Inc., B-196406, August 25, 1980, 80-2 CPD 145. There is no such showing or allegation here.

Accordingly, the protest is dismissed.

F. H. Barclay, Jr.
For Harry R. Van Cleave
Acting General Counsel

[Protest of Contract Award Under Section 8(a) of Small Business Act]
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