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**DECISION**



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

**FILE:** B-210779

**DATE:** March 8, 1983

**MATTER OF:** Eagle Crusher Company, Inc.

**DIGEST:**

Protest that procurement should have been set aside for small business is summarily denied since, with certain exceptions not relevant here, nothing in the Small Business Act or regulations mandates that any particular procurement be set aside for small business.

Eagle Crusher Company, Inc., protests the Defense Logistics Agency's (DLA) failure to set aside for small business solicitation No. DLA 700-83-B-0390 for one portable stone crusher.

We summarily deny the protest.

With certain exceptions not relevant here, there is nothing in the Small Business Act or procurement regulations that make it mandatory that any particular procurement be set aside for small business. Romar Consultants, Inc., B-206764, March 29, 1982, 82-1 CPD 290. While the Government's policy is that a fair proportion of purchases be placed with small business concerns, the decision whether a particular procurement should be set aside for small business is essentially within the discretion of the contracting activities. Romar Consultants Inc., supra. Therefore, we cannot legally object to DLA's failure to set aside the procurement in question.

The protest is summarily denied.

for *Milton J. Fowler*  
Comptroller General  
of the United States

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