

DECISION

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

26081

FILE: B-212517

DATE: August 25, 1983

MATTER OF: Systems Architects, Inc.

DIGEST:

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

Systems Architects, Inc. (SAI), protests the Small Business Administration's (SBA) selection of another company for the award of a contract under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (Supp. III, 1979). SAI alleges that SBA led it to believe it was first in line to receive the award.

Section 8(a) of the Small Business Act authorizes the SBA to enter into contracts with any Government agency with procuring authority and to arrange the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. The contracting officer is authorized "in his discretion" to let contracts to SBA upon such terms and conditions as may be agreed upon by the procuring agency and SBA. In light of this discretion, we do not review agency determinations to set aside procurements under section 8(a) unless there is a showing of bad faith or fraud on the part of Government officials. See J.R. Pope, Inc., B-204230, August 10, 1981, 81-2 CPD 114; Marine Industries Northwest, Inc.; Marine Power and Equipment Company, B-208270, B-208315.2, February 16, 1983, 83-1 CPD 159. No such showing has been made in this case.

Accordingly, we dismiss the protest.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

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