

DECISION

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

26159

FILE: B-212777

DATE:

September 6, 1983

MATTER OF: Friedrich Air Conditioning
& Refrigeration Company

DIGEST:

A total labor surplus area set-aside is proper when the contracting agency has a reasonable expectation of competition from responsible firms.

Friedrich Air Conditioning & Refrigeration Company protests the decision by the General Services Administration (GSA) to issue solicitation No. 9FC0-0LJ-A-A0941/83 as a total labor surplus area (LSA) set-aside. Friedrich is not located in an LSA and thus cannot compete for the contract. We deny the protest.

Sections 1-1.802-2(b) and 1-1.804-1(a) of the Federal Procurement Regulations (FPR) provide that procurements shall be set aside for award to LSA concerns when the contracting agency has a reasonable expectation that bids or proposals will be obtained from a sufficient number of responsible LSA concerns so that awards will be made at reasonable prices. From Friedrich's initial submission to this Office, it is clear that GSA has such a reasonable expectation regarding this procurement, since all other manufacturers of room air conditioners are apparently located in LSAs.

We see no basis upon which to question the propriety of the set-aside in the present case because the decision to establish the set-aside is consistent with the policies expressed in the FPR. Absent a clear showing of abuse of discretion, we will not substitute our judgment for that of the contracting agency in such matters. Par-Metal Products, Inc., B-190016, September 26, 1977, 77-2 CPD 227.

The protest is summarily denied.

Harry R. Van Cleave
for Comptroller General
of the United States

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