

**DECISION**

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

31726

**FILE:** B-219455**DATE:** July 22, 1985**MATTER OF:** NJCT Corporation**DIGEST:**

1. The fact that only one bid from a qualified small business may have been received in response to a small business set-aside solicitation does not affect the propriety of the set-aside.
2. Mere assertion that small business awardee's price was unreasonable, by large business bidder whose price was less than 5 percent lower, does not state a sufficiently detailed valid basis of protest.
3. Protest after bid opening that a solicitation should not have been set aside for small business because of adverse impact of set-aside is untimely.

NJCT Corporation (NJCT) protests the award of a contract to Globe Machine Company (Globe) under solicitation No. DLA400-85-B-8815 issued by the Defense Logistics Agency. The solicitation was a small business set-aside under which only two small business bids were received. NJCT, a large business bidder, asserts that one of the bidders may not qualify as a small business. NJCT further contends that Globe's price is unreasonable.

We dismiss the protest under our Bid Protest Regulations, 4 C.F.R. § 21.3(f) (1985).

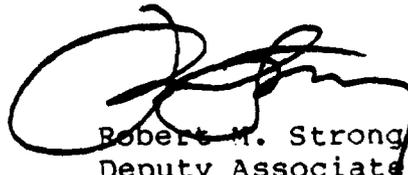
First, NJCT's allegation that only one bid was received from a qualifying small business is not a valid basis for protest. The fact that only one acceptable bid is received does not affect the propriety of a determination to set a

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procurement aside for small business since the Federal Acquisition Regulation, 48 C.F.R. § 19.502-2 (1985), requires only that there be a reasonable expectation that bids will be obtained from at least two responsible small business concerns and that award will be made at reasonable prices. A.H. Robins Co., B-218127, Feb. 14, 1985, 85-1 C.P.D. ¶ 202; Mantech International Corp., B-216505, Feb. 11, 1985, 85-1 C.P.D. ¶ 176.

Next, NJCT's mere contention that Globe's price of \$1,200 was unreasonable (NJCT was low bidder at \$1,147), without any other basis or support does not meet our requirement that a protest contain a detail statement of the legal and factual grounds of protest. 4 C.F.R. § 21.1(c)(4) (1985). In this connection, we have recognized that the government may pay a premium price to small businesses on restricted procurements to insure placement of a fair proportion of total government purchases with small business firms. Mantech International Corp., B-216505, supra.

Finally, NJCT's general allegation regarding the adverse impact of the set-aside determination on competition within the industry is untimely. Our Bid Protest Regulations require that an allegation such as this, which is based on an alleged impropriety (the set-aside restriction) in the solicitation that is apparent prior to bid opening, must be filed prior to bid opening. 4 C.F.R. § 21.2(a)(1); A.H. Robins Co., B-218127, supra.



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