



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: The Vollrath Company

File: B-230029

Date: January 29, 1988

DIGEST

Since the basis for setting a procurement aside for small businesses is the reasonable expectation that offers will be obtained from at least two responsible small business concerns and that awards will be made at reasonable prices, the number of small business firms that actually submitted bids is not relevant to the propriety of the set-aside.

DECISION

The Vollrath Company protests the award of contract under the Defense Logistics Agency's (DLA) solicitation No. DLA400-87-B-6418, issued as a small business set-aside. Vollrath's bid was not considered because Vollrath did not qualify as a small business under the applicable guidelines.

Vollrath alleges that the award was improper since it was made without adequate competition due to restriction of the solicitation as a total small business set-aside.

We dismiss the protest.

According to Vollrath, DLA solicited 82 firms to bid on the contract, receiving four bids. Of the four, only two qualified as small business bids, with one of those two found nonresponsive for other reasons. Vollrath argues that the contracting officer should have determined that there was insufficient small business participation to warrant an award under the set-aside, and therefore should have withdrawn the set-aside, opening up the bidding process to small and large businesses alike.

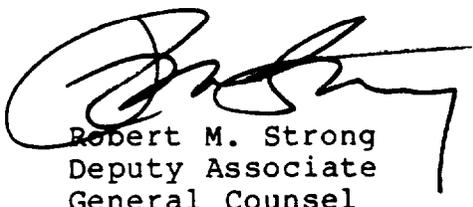
The basis of a total small business set-aside is the reasonable expectation that offers will be obtained from at least two responsible small business concerns and that awards will be made at reasonable prices. Advanced Construction, Inc., B-218554, May 22, 1985, 85-1 CPD ¶ 587. Vollrath has not demonstrated either that DLA was unreasonable in believing that offers would be obtained from

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at least two responsible small business concerns or that DLA made award on the basis of unreasonable prices.

Moreover, the decision to set aside a procurement is a business judgment within the broad discretion of the contracting officer, which we sustain, even in a case where only one bid from a small business is received absent a clear showing of abuse of discretion. Mantech International Corp., B-216505, Feb. 11, 1985, 85-1 CPD ¶ 176.

Vollrath has failed to state a valid basis for protest under our bid protest regulations. Therefore, pursuant to 4 C.F.R. § 21.3(f) (1987), the protest is dismissed.



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