



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Integrity Management International, Inc.

File: B-230795.2

Date: April 25, 1988

DIGEST

The General Accounting Office will not review the Small Business Administration's compliance with its own internal guidelines for the Small Business Act's section 8(a) program absent a showing of possible fraud or bad faith on the part of government officials.

DECISION

Integrity Management International, Inc., protests the award of a contract to Kass Management, Inc., for food services for the Army at the Presidio of San Francisco, California. The contract was awarded under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (1982). Section 8(a) authorizes the Small Business Administration (SBA) to enter into contracts with government agencies and to arrange for the performance of such contracts by letting subcontracts to socially and economically disadvantaged small businesses.

We dismiss the protest without obtaining a report from the agency, since it is clear from the protest that it is without legal merit. 4 C.F.R. § 21.3(m) (1988).

Integrity protests that the SBA has not analyzed what impact the acceptance of the procurement for an 8(a) award would have on firms, such as itself, not in the 8(a) program. With its protest, the protester includes a copy of a letter from the SBA telling the protester that the SBA has decided that an impact assessment was not necessary since the procurement at issue was a combination of four prior requirements and, as such, was considered a new procurement with no prior procurement history.

The Small Business Act affords the SBA and the contracting agencies broad discretion in selecting procurements for the section 8(a) program. T.A.M., Inc., B-224193, Sept. 26, 1986, 86-2 CPD ¶ 361. While the SBA's Standard Operating Procedures do provide for SBA's making an impact assessment,

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guidelines, and we will not review SBA's compliance with those internal procedures absent a showing of possible fraud or bad faith. Groshelle Associates, B-225194.2, Dec. 23, 1986, 86-2 CPD ¶ 711. The failure to prepare an impact analysis does not in itself warrant our review of a decision to place a contract in the section 8(a) program. Since the protester does not allege fraud or bad faith on the part of government officials, the protest is dismissed. Saliba Construction Company, Inc.; Slingluff Construction Company, Inc., B-230215, B-230215.2, Mar. 3, 1988, 88-1 CPD ¶ ___; 4 C.F.R. § 21.3(m) (1988).

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