



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: SBMA, Inc.
File: B-255780
Date: November 23, 1993

Mark O'Luck for the protester.

DIGEST

The award of cooperative agreements by the Small Business Administration to obtain management and technical assistance services under section 7(j) of the Small Business Act is not subject to the General Accounting Office bid protest jurisdiction.

DECISION

SBMA, Inc. protests the awards made under solicitation No. MSB-94-002-0202F, issued by the Small Business Administration (SBA) for management and technical assistance services under section 7(j) of the Small Business Act, 15 U.S.C. § 636(j) (1988 and Supp. IV 1992).

Section 7(j) authorizes the SBA to provide this assistance through grants, agreements, or contracts. 15 U.S.C. § 636(j) (5). When SBA uses a procurement contract as the vehicle for providing assistance, we consider protests of SBA's contract awards. See, e.g., Burton K. Myers and Co., B-178960, Sept. 14, 1977, 77-2 CPD ¶ 187. When, however, the SBA uses a grant or cooperative agreement, we cannot entertain protests of any ensuing awards as our protest jurisdiction does not encompass the awards of grants or cooperative agreements. Here, SBA is awarding cooperative agreements. Accordingly, we cannot entertain this protest. Avante Int'l Sys. Corp., B-227951, July 17, 1987, 87-2 CPD ¶ 63. Therefore, the protest is dismissed.


Ronald Berger
Associate General Counsel

¹We will consider a protest where it appears that the agency may be using a grant or cooperative agreement in a situation where a procurement contract is required. Innocept, Inc., B-209781, Dec. 2, 1982, 82-2 CPD ¶ 500. SBMA has not alleged that here.