

**DECISION**



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

119020

FILE: B-208090

DATE: July 22, 1982

MATTER OF: United Maintenance Services, Inc.

**DIGEST:**

GAO does not review an agency decision to set aside or not set aside contracts for 8(a) award because of the broad discretion the Small Business Act has given contracting officials for this purpose, unless there is a showing of fraud or bad faith on the part of Government officials.

United Maintenance Services, Inc. (UMS), protests the decision of the General Services Administration (GSA) to compete under an unrestricted procurement the next fiscal year's custodial services for the Internal Revenue Service Center in Fresno, California, and discontinue award of the contract under the Small Business Administration's (SBA) 8(a) program. UMS is the current contractor and received the award of the contract under the 8(a) program.

Section 8(a) of the Small Business Act, 15 U.S.C. § 637(a) (Supp. III, 1979), authorizes SBA to enter into contracts with any Government agency with procuring authority and to arrange the performance of such contracts by letting subcontracts to socially and economically disadvantaged small business concerns. The statute authorizes the procuring agency's contracting officer to award the contract to SBA "in his discretion." In light of the broad discretion given contracting officials by statute to let contracts to SBA, we do not review an agency decision to set aside or not set aside contracts for 8(a) award, unless there is a showing of fraud or bad faith on the part of Government officials. Wakon Redbird and Associates, B-205995, February 8, 1982, 82-1 CPD 111; C. S. Smith Training, Inc., B-203108, June 8, 1981, 81-1 CPD 463. UMS does not allege that fraud or bad faith is involved here, and, therefore, we will not consider the protest.

We dismiss the protest.

*F. H. Barclay, Jr.*  
For Harry R. Van Cleve  
Acting General Counsel