

DECISION

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

FILE: B-212514**DATE:** August 8, 1983**MATTER OF:** Norfolk Dredging Company**DIGEST:**

Pursuant to the Defense Acquisition Regulation, once a service has been successfully acquired through a small business set-aside, all future requirements for that service must be set aside unless the contracting officer, in his business judgment, determines that there is not a reasonable expectation that offers from two responsible small businesses will be received and that award will be made at a reasonable price.

Norfolk Dredging Company protests the award of any contract for dredging services under invitation for bids (IFB) No. DACW 21-83-B-0004 issued by the U.S. Army Corps of Engineers, Savannah District. Norfolk contends that the continued total set-aside of this procurement for small business is improper. We summarily deny the protest.

Defense Acquisition Regulation (DAR) § 1-706.1(f) (DAC 76-40, November 26, 1982) provides that once a service has been successfully acquired through a small business set-aside, all future requirements for that service must be set aside unless the contracting officer determines that there is not a reasonable expectation that offers from two responsible small businesses will be received and the award will be at a reasonable price.

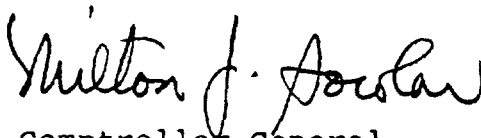
Norfolk's submission to this Office establishes that the dredging services in issue, with three exceptions, have been restricted to small business competition since 1970. Nothing in that record indicates that any prior procurements were not successfully acquired, nor has the protester shown that the contracting officer, in his business judgment, lacks a reasonable expectation that bids for the current procurement will be obtained from the requisite number

026345
122063

B-212514

of responsible small business offerors and that award will be made at a reasonable price. See Honolulu Disposal Service, Inc.--Reconsideration, 60 Comp. Gen. 642 (1981), 81-2 CPD 126. Therefore, as the Corps of Engineers was required to set aside this procurement for small business pursuant to the procurement regulations, we have no legal basis upon which to object to the Corps' action.

The protest is summarily denied.

for 
Comptroller General
of the United States