

DECISION

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

FILE: B-212714

DATE: September 16, 1983

MATTER OF: Native American Consultants, Inc.

DIGEST:

The selection of a contractor under section 8(a) of the Small Business Act is essentially within the discretion of the contracting agency and the Small Business Administration, and thus will not be questioned absent either a showing of fraud or bad faith on the Government's part or that applicable regulations were not followed.

Native American Consultants, Inc. protests the award of a contract to any firm but Native American for the evaluation of an Indian employment training program under solicitation No. 83-17-8a-02 issued by the Department of Labor (DOL). Native American questions the proposal evaluation panel's understanding of Indian training programs and asserts that the firm is especially well qualified to perform the contract.

We dismiss the protest.

The DOL informally advises this Office that it is conducting a competition for this contract among firms that qualify for subcontracts under section 8(a) of the Small Business Act, 15 U.S.C. § 637(a)(1982)... That section authorizes the Small Business Administration (SBA) to enter into contracts with any contracting agency and arrange for contract performance by subcontracting with socially and economically disadvantaged small business concerns. It also grants contracting agencies broad latitude in determining whether to contract with the SBA. Thus, the selection of an 8(a) contractor is within the discretion of the contracting agency and the SBA and we will not question that selection unless the protester either demonstrates fraud or bad faith on the Government's part or contends that applicable regulations have not been followed. International Business Services, Inc., B-209279, October 20, 1982, 82-2 CPD 354; Arawak Consulting Corp., 59 Comp. Gen. 522 (1980), 80-1 CPD 404. Since Native American does not allege either basis here, we will not consider the firm's protest.

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The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel