

DECISION



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

31600

FILE: B-219200 **DATE:** July 2, 1985
MATTER OF: Zytron Corporation

DIGEST:

Protest against decision to amend solicitation to set aside procurement exclusively for small businesses is dismissed where protester does not allege legal or factual grounds for challenging the set-aside decision.

Zytron Corporation (Zytron), a large business, protests the decision to amend Federal Communications Commission (FCC) solicitation No. IFB-85-03, so that the FCC's requirements for computer output microfiche services will be procured totally from small businesses.

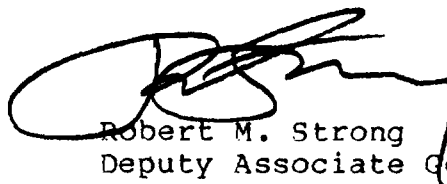
The Federal Acquisition Regulation, 48 C.F.R. § 19.502-2 (1984), directs the setting aside of procurements if the contracting officer determines that there is a reasonable expectation that offers will be obtained from at least two responsible small business concerns and awards will be made at reasonable prices. See Ingersoll-Rand Co., B-218084, Feb. 8, 1985, 85-1 C.P.D. ¶ 171.

Our Office has been informally advised by the FCC that this requirement has been successfully procured on a small business set-aside basis for the past 5 years. Moreover, Zytron does not allege that there are fewer than two small business concerns which may reasonably be expected to submit bids on this solicitation or that a reasonable price cannot be obtained from a small business. Therefore, Zytron has not alleged any factual or legal grounds which provide a basis for sustaining the protest. Ingersoll-Rand Co., B-218084, supra.

Moreover, the fact that the solicitation was originally issued on an unrestricted basis does not alter this conclusion. See Wilkinson Manufacturing Co., B-210642; B-210642.2; B-211730, Mar. 6, 1984, 84-1 C.P.D. ¶ 270; American Dredging Co., B-201687, May 5, 1981, 81-1 C.P.D.

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¶ 344. Accordingly, the protest is dismissed. See GAO Bid Protest Regulations, 4 C.F.R. § 21.3(f) (1985); Ingersoll-Rand Co., B-218084, supra.

A handwritten signature in black ink, appearing to read "Robert M. Strong", is written over the printed name.

Robert M. Strong
Deputy Associate General Counsel