



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Crimson Enterprises, Inc.

File: B-241038

Date: October 24, 1990

D. Lee Roberts, Jr., Esq., Smith, Currie & Hancock, for the protester.
Lt. Col. William J. Holland, Department of the Air Force, for the agency.
Linda S. Lebowitz, Esq., and Andrew T. Pogany, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

Department of Defense's objective of awarding 5 percent of the dollar value of its contracts to small disadvantaged business concerns is a goal, not a cap or ceiling which cannot be exceeded.

DECISION

Crimson Enterprises, Inc., a small business concern, protests the decision of the Department of the Air Force to set aside for small disadvantaged business (SDB) concerns request for proposals (RFP) No. F08637-90-R-0011 for military housing maintenance at Tyndall Air Force Base, Florida. The protester generally alleges that a disproportionate number of base housing maintenance contracts are being set aside by the Air Force for SDBs.

We dismiss the protest because it fails to state a valid basis of protest. Bid Protest Regulations, 4 C.F.R. § 21.3(m) (1990).

Pursuant to section 1207 of the Defense Authorization Act of 1987, 10 U.S.C. § 2301 note (1988), Congress left to the discretion of the Department of Defense (DOD) the promulgation of regulations and procedures necessary to achieve the stated goal of awarding 5 percent of the dollar value of its contracts to SDB concerns. John Bowman, Inc., B-237543, Aug. 28, 1990, 90-2 CPD ¶ 165. The Secretary of Defense is required to issue regulations to ensure progress toward

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meeting this 5 percent goal. Id.; see Pub. L. 100-180, § 806(b), 10 U.S.C. § 2301 note (1988). DOD has established by regulation the SDB set-aside program. DOD Federal Acquisition Regulation Supplement § 219.502-72 (DAC 88-13). DOD's stated objective of awarding 5 percent of the dollar value of its contracts to SDBs is a goal, not a cap or ceiling which cannot be exceeded. Even if DOD has exceeded the 5 percent goal of awards to SDBs in any particular industry group, there is no reason why the award of a contract to an SDB should be invalidated since the 5 percent goal is not applied individually to each standard industrial classification group. See Logistical Support, Inc., 67 Comp. Gen. 381 (1988), 88-1 CPD ¶ 385.

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