



Comptroller General
of the United States

224612

Washington, D.C. 20548

Decision

Matter of: Forge Ahead Company

File: B-259473


Date: December 6, 1994

DECISION

Forge Ahead Company protests the Department of the Army's removal of the evaluation preference for small disadvantaged businesses (SDB), Defense Federal Acquisition Regulation Supplement (DFARS) § 252.219-7006, from request for proposals (RFP) No. DAAC07-94-R-0006, issued as a small business set-aside by the Department of the Army for the operation of recreational facilities at the Sierra Army Depot, Herlong, California.

We dismiss the protest.

This RFP is a resolicitation of the requirement issued to obtain a replacement for an improperly awarded contract, the award of which was previously protested by Forge Ahead. The agency removed the SDB evaluation preference from the resolicitation because the RFP was set aside for small business, and applicable regulations preclude the inclusion of an SDB evaluation preference in solicitations set aside for small business. Because, as recognized by the agency, DFARS § 219.7001(b)(3) provides that the SDB evaluation preference cannot be used in acquisitions which "are set-aside for small businesses," the agency's removal of the preference was proper.


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Assistant General Counsel