

PL-CG

DECISION



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

10,015

FILE: B-194503 DATE: April 30, 1979
MATTER OF: Instrument Control Service

DIGEST:

Protest alleging that contracting agency should have set aside procurement for small business concerns is dismissed since decision as to whether procurement should be set aside is within authority and discretion of contracting agency.

Instrument Control Service (Instrument) protests Brookhaven National Laboratory Associating Universities Inc.'s failure to set aside for small business request for proposals No. CPT79-1, as advertised in the Commerce Business Daily on February 14, 1979. We have been advised by the Department of Energy (DOE) that Brookhaven is operated for DOE by Associated Universities, Inc., and that DOE concurred in the decision.

As we have held in prior decisions, while it is the policy of the Government to award a fair proportion of purchases of supplies and services to small business concerns, there is nothing in the Small Business Act or applicable procurement regulation provisions which mandates that there be set-aside for small business any particular procurement. The decision whether a procurement is to be set aside is within the discretion of the contracting agency. Par-Metal Products, Inc., B-190016, September 26, 1977, 77-2 CPD 227.

Since DOE concurred in Brookhaven's decision, the protest is dismissed.

Milton J. Socolar
General Counsel

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[PROTEST AGAINST SMALL BUSINESS SET ASIDE PROCUREMENT]