

DECISION

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

FILE: B-211872

DATE: August 8, 1983

MATTER OF: Fairfax Hospital Association

DIGEST:

protest against total small business set-aside is denied when contracting officer has reasonable expectation that proposals will be received from a sufficient number of responsible concerns so that the award will be made at a reasonable price.

Fairfax Hospital Association (FHA) protests the total small business set-aside of a Department of Commerce procurement of counseling services for an Employee Assistance Program under solicitation No. SA-83-RSB-0019. FHA points out that of the 18 small business firms on a list of eligible contractors that the Small Business Administration has provided to the Department of Commerce, only 6 are located in the District of Columbia metropolitan area, where the services will be performed, and suggests that the remaining 12 firms are located too far away to bid competitively.

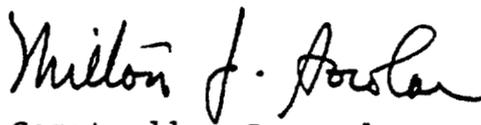
We deny the protest.

The Small Business Act provides that a fair proportion of Government contracts should be placed with small business concerns. 15 U.S.C. § 644(a) (1976). The implementing regulations require that, in order for a procurement to be set aside for small business, there must be a reasonable expectation that bids will be obtained from a sufficient number of responsible concerns so that the award will be made at a reasonable price. Federal Procurement Regulations § 1-1.706-5(a) (1964 ed.). The decision whether such an expectation exists is basically a business judgment within the broad discretion of the contracting officer. Shayne Brothers, Inc., B-210534, February 18, 1983, 83-1 CPD 175.

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In this instance the contracting officer had ample information available to support the decision to effect a total small business set-aside. The Small Business Administration has furnished Commerce with a list of 18 potential small business competitors, and FHA itself admits that competitive offers can be expected from at least 6 of them. Also, Commerce advises us that 27 firms have requested copies of the solicitation. Under the circumstances, we have no basis to question the contracting officer's judgment that a set-aside is appropriate under the Small Business Act and the procurement regulations.

The protest is denied.

for 
Comptroller General
of the United States