

Protests 13 CFR §126 Subpart H

Who may initiate:

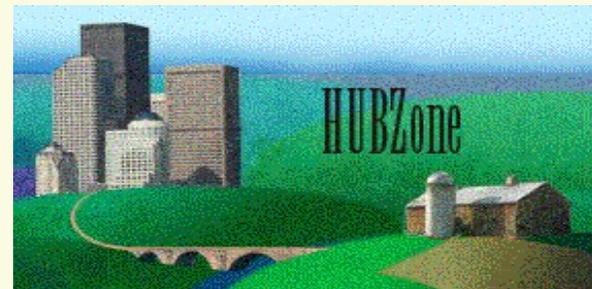
✓ Sole Source

– SBA or the CO

✓ Competitive

– Any interested party

✓ Issues involving size will be treated as a size protest, if protest involves size and status, each will be reviewed concurrently



Protests (cont'd)



✓ Format:

- must be in writing and be specific

✓ Filing:

- unsuccessful offeror - to the contracting officer
- CO or SBA - submit to the Asso. Admin/HUB
- delivered in person, by Fax US or Express mail

✓ Timeliness:

- Within 5 business days of bid opening or notification of successful offeror

Protests (cont'd)

- ✓ The contracting officer must refer protests to the SBA Asso. Admin/HUB
- ✓ SBA notifies the CO and the protester of the date of receipt and whether the protest will be processed or dismissed
- ✓ SBA will determine HUBZone status within 15 business days of receipt unless extended



Protests (cont'd)

- ✓ Should SBA fail to decide the protest within 15 business days (unless the CO grants an extension), the CO may award the contract
- ✓ The SBA AA/HUB will decide HUBZone protests
- ✓ SBA will notify the CO, protester and the protested firm of its determination
- ✓ If upheld, effective immediately - decertification



FAR on protesting HUB status

✓ Section 19.306 (c) (e) (k)



- All protest in writing
- Offeror must submit protest to the CO
- All protests must be submitted to the AA/HUB
- AA/HUB will notify the CO and the protestor of the date the protest was received and whether the protest will be processed or dismissed for timeliness or lack of specificity
- Appeal decision by the ADA GC/BD: 5 days

Appeals 13 CFR §126.805



- ✓ The HUBZone SBC, protester or CO may appeal
- ✓ Must be received by SBA within 5 business days after receipt of the protest determination
- ✓ SBA will only re-examine cases where there was a clear and significant error or complete failure to consider a significant fact

Appeals (cont'd)

- ✓ SBA will not consider additional information or changed circumstances that were not disclosed at the time of the decision or that are based upon a disagreement with the determination
- ✓ Appeal must be in writing
- ✓ Appeals will be decided by the ADA/GC&BD



Penalties For Misrepresentation of Status

- ✓ Suspension or debarment
 - By SBA and or the Contracting Agency
- ✓ Civil Penalties
 - False Claims Act and
 - Program Fraud Civil Remedies Act



Penalties (cont'd)

✓ Criminal penalties

- may be applied in cases where a firm knowingly misrepresents itself as a HUBZone SBC or
- is found to have made false statements or misrepresentations to the SBA for the purpose of influencing any SBA action

