Regulatory and Protest Update with SBA

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What we will cover

• SBA’s contracting programs
• New benefits and developments
• How recent protest decisions affect your benefits
contracting programs

- Direct awards
- 8(a) competitive

- 8(a) Program

- HUBZone Program

- Mentor-Protégé Program

- Small Business Subcontracts

- Women-Owned Small Businesses

- Service-Disabled Veteran-Owned Small Businesses

- Set-asides
- Limited sole-source authority
Current Benefits for Small Businesses

• Set-asides
• Rule of Two
• SBIR/STTR eligibility
• Certificate of Competency
• Bundling notices
• No subcontracting plans
Coming Soon for Small Businesses

• New size standards
• Past performance ratings for joint ventures & subcontractors
• 24-month average for employees
• 5-year average for receipts
What’s new in the SBA Mentor-Protégé Program?

1. Combined SBA programs
2. Relaxed program limits
3. Joint ventures to qualify for set-asides (2Y)
4. Capabilities, past performance and experience
Coming Soon for Subcontracting

- Lower-tier credit for primes
- Past performance ratings for first-tier subcontractors
What’s New in the 8(a) program?

• One-year COVID-19 extension (9/9/20 cutoff)
• Strengthened “Once 8(a), Always 8(a)”
What’s New in HUBZone?

• Annual qualification with relate-back from offer
• “Attempt to maintain” requirement
• Counting HUBZone residents
• 60-day processing with compete package (and expedited for COVID-19)
What’s New in Women-Owned Small Business?

• Certification for set-aside and sole-source contracts

• NAICS-qualified contracts for WOSB and economically-disadvantaged WOSB

• Apply through beta.certify.sba.gov or third-party certifier (also accept VA)
Coming Soon for Service-Disabled Veteran-Owned Small Businesses

• Required certification for all agencies
• SBA certification within two years
Bid Protests
How quickly should you protest at GAO to receive a CICA stay?
When can you protest the agency’s decision not to set aside?
What can you do if your contract is eliminated through bundling or consolidation?
What can you do if your 8(a) contract is removed from the 8(a) program?
Can you submit the past performance of your joint venture partner?
Can you subcontract some of your work?
How to learn more


• Find SBA proposed rules at https://www.regulations.gov/.


• Find Court of Federal Claims decisions at https://www.uscfc.uscourts.gov/.
Q&A

Please submit your questions in the chat!
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