



**DAU**



# Regulatory and Protest Update with SBA

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# Presenter



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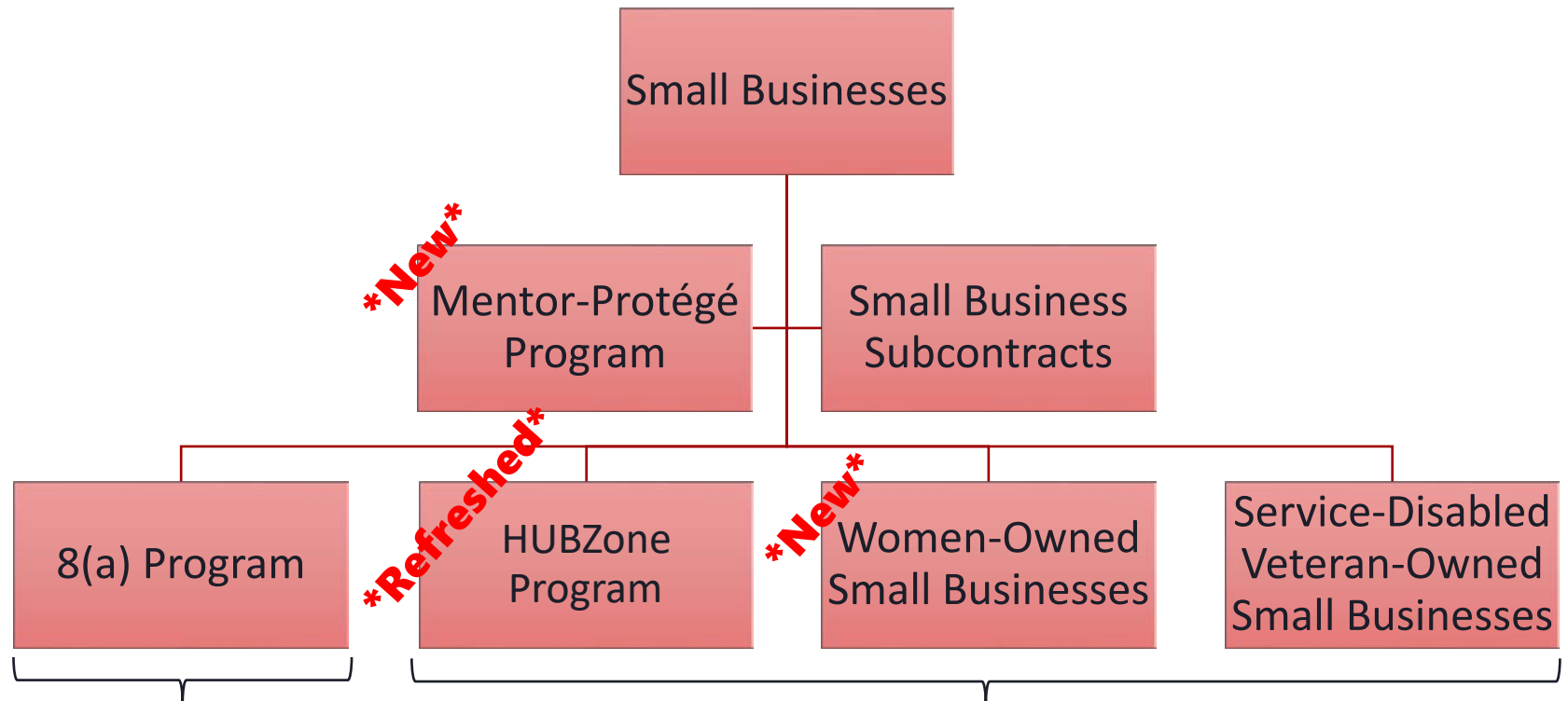
# What we will cover

- **SBA's contracting programs**
- **New benefits and developments**
- **How recent protest decisions affect your benefits**



# 7

## contracting programs



- Direct awards
- 8(a) competitive

- Set-asides
- Limited sole-source authority

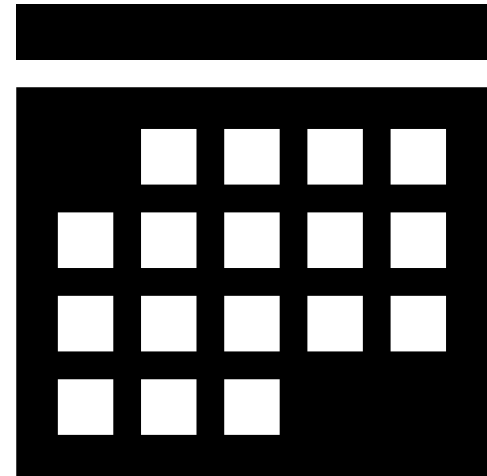
# Current Benefits for Small Businesses

- **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](https://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 current SBA's regulations at <https://ecfr.federalregister.gov/current/title-13>.
- Find SBA proposed rules at <https://www.regulations.gov/>.
- Find GAO decisions at <https://www.gao.gov/legal/bid-protests>.
- 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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