

October 15, 2019

<p>Ms. Shirley Brown; FOIA Team Alpha; Defense Logistics Agency Bldg. 2B North Computer Room, 2b4913 Attn: IGC 700 Robbins Avenue Philadelphia, PA 19111</p> <p>c/o</p> <ol style="list-style-type: none"> 1. 9th Congressional Office of North Carolina (NC-09) 2. United States District Court (ED-VA), Norfolk Division, Action No. 2:19cv485 3. https://www.muckrock.com, a member of the Global Investigative Journalism Network. 	<p>FOI/PA Office/Requester Service Center, 409 Third St. SW, Washington, D.C. 20416</p> <p>foia@sba.gov</p> <p>c/o</p> <ol style="list-style-type: none"> 1. 9th Congressional Office of North Carolina (NC-09) 2. United States District Court (ED-VA), Norfolk Division, Action No. 2:19cv485 3. https://www.muckrock.com, a member of the Global Investigative Journalism Network. 	<p>U.S. Government Accountability Office Chief Quality Officer Room 5K21 441 G Street NW Washington, DC 20548</p> <p>Fax: 202-512-5806</p> <p>Email: RecordsRequest@ga.gov</p> <p>c/o</p> <ol style="list-style-type: none"> 1. 9th Congressional Office of North Carolina (NC-09) 2. United States District Court (ED-VA), Norfolk Division, Action No. 2:19cv485 3. https://www.muckrock.com, a member of the Global Investigative Journalism Network. 	<p>FOIA/PA Mail Referral Unit, Justice Management Division, Department of Justice, 950 Pennsylvania Avenue NW., Washington, DC 20530-0001, or via email to MRUFOIA.Requests@usdoj.gov,</p> <p>c/o</p> <ol style="list-style-type: none"> 1. 9th Congressional Office of North Carolina (NC-09) 2. United States District Court (ED-VA), Norfolk Division, Action No. 2:19cv485 3. https://www.muckrock.com, a member of the Global Investigative Journalism Network.
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FOIA Request: RE: FAR §19.306(e)¹ 4 C.F.R. §21.5(b)²

FOIA Offices,

Please find enclosed,

¹ Tab 1

² Tab 2

1. "17_08_24_0800_Attention GAO Protest Sol T-3039 Award V-1048"³. JEQ&Co's HUBZone status protest at the GAO dated Thursday, August 24, 2017 8:00 AM

a) containing attachments

- i. "SPE8EE17V1048 awarded to 00UF8.PDF"⁴;
- ii. "SPE8EE17T3039.PDF"⁵;
- iii. "Quote in dibbs.pdf"⁶
- iv. "36-2017 Decision Letter-Sustained.PDF"⁷. SBA HUBZone Program decision in a DLA HUBZone status protest with identical legal and factual grounds as that of "17_08_24_0800_Attention GAO Protest Sol T-3039 Award V-1048"

(1) a letter from SBA HUBZone Program Director, Mariana Pardo,

(2) dated August 15, 2017

(3) Regarding: HUBZone Protest for Solicitation No. SPE7M3-17-T-5860: Contract No. SPE7M3-17-P-4126.

(4) stating, in part

(5) p. 1

(a) paragraph 1, "...For the following reasons, I am sustaining the HUBZone protest"

³ Tab 3

⁴ Tab 4

⁵ Tab 5

⁶ Tab 6

⁷ Tab 7

(b) paragraph 4, "...Based on my review of this allegation, internal SBA records, and the List of qualified HUBZone SBCs, I have determined that T&T is not a qualified HUBZone SBC. As such, T&T is not eligible for this award"

(c) p. 2 paragraph 1, "Pursuant to the HUBZone regulations, SBA certification is the only way to qualify for HUBZone program status. Id. § 126.301. If SBA approves an application for HUBZone certification, SBA will send a written notice to the concern and automatically enter it on the List of qualified HUBZone SBCs. Id. § 126.306. A concern must appear on the List to be eligible for HUBZone contracts. Id. § 125.308. The List of qualified HUBZone SBCs is maintained on SBA's Dynamic Small Business Search (DSBS). Id. § 126.307 ("Qualified HUBZone SBCs are identified by running a search on the Dynamic Small Business Search at http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm"). Therefore, a concern that does not appear on the List of qualified HUBZone SBCs in DSBS is not eligible for HUBZone contracts."

v. "consequences misrepresentation.pdf"⁸. E-mail

(1) dated: August 15, 2017 4:45 PM

(2) To:

(a) HZProtests@sba.gov'; SBA HUBZone program

⁸ Tab 8

- (b) Rory.OREilly@dla.mi; DLA Contracting activity
- (3) sent in response to SBA Administrative Support Assistant's e-mail
 - (a) dated Tuesday, August 15, 2017 3:58 PM
 - (b) From: hzprotests@sba.gov
 - (c) referencing "...attached protest letter ['36-2017 Decision Letter-Sustained.PDF'(1.a.iv, above)]"
- (4) stating, in part,
 - (a) paragraph 1: "I'm also curious to know whether or not having falsely represented itself harms T&T Products, LLC's ability to win future awards within the USG
 - i. indicating a naivety by JEQ&Co that the reasons HUBZone set-aside solicitations were continually awarded to SBCs that were not HUBZone Certified
 - 1. was due exclusively to SBCs misrepresenting their HUBZone status
 - 2. had nothing to do with a systemic, arbitrary and capricious bias from DLA against JEQ&Co
 - (b) paragraph 3: "...I'm finding several solicitations each week where non-certified firms are winning awards for HUBZone set aside solicitations when JEQ&Co has

submitted costs that are 'fair and reasonable' based on historical awards and management data..."

- i. alerting the following of a potentially far greater problem

- 1. SBA HUBZone Program
- 2. DLA Contracting activity
- 3. GAO Procurement Law Group (PLG) as of the date of receipt of "17_08_24_0800_Attention GAO Protest Sol T-3039 Award V-1048"

- ii. creating a potential opportunity for the SBA, DLA, and GAO Counsels to cooperatively attempt to maneuver around / subvert the Federal Acquisition Regulations (FAR)

- 1. for the purposes of justifying the DLA's failures to correctly adhere to FARs

- a. §13.106-2 Evaluation of Offers under Simplified Acquisition Procedures (SAP)
- b. §52.219-3 Notice of HUBZone Set-Aside Solicitation specifically called out as (1)(A) from the DLA Directorate, Procurement Notes

- c. §19.306(e)⁹
- d. When JEQ&Co¹⁰, CAGE 7B1T4¹¹, made an offer under HUBZone Set-Aside Solicitations between the dates of March 2017¹² – August 24, 2017

2. Given

- a. JEQ&Co's demonstrable naivety
- b. The HUBZone status protests of JEQ&Co being filed by a non-attorney spokesperson

(5) that would - in retrospect, not so mysteriously - receive no response from Ms. Pardo or hzprotests@sba.gov.

- vi. "2HUBZone&GAO protest SPE8EE17V1048.pdf"¹³;
- vii. "demonstration of notice to CO.pdf"¹⁴;

2. "17_08_24_L06 Protest award SPE8EE17V1048 solicitation SPE8EE17T3039" ¹⁵

⁹ Enclosed, highlighted Tab 1

¹⁰ A HUBZone Certified Small Business Concern

¹¹ Issued late December 2014 / early January 2015

- 1. corresponding with the same time frame a cyber-attack perpetrated by "Foreign Bad Actors (FBAs)" was launched against the DLA
- 2. inadvertently giving JEQ&Co a CAGE code appearing similar to that of FBAs

¹² The month JEQ&Co began pursuing HUBZone Set-Aside Solicitations through the DLA

¹³ Tab 9

¹⁴ Tab 10

¹⁵ Tab 11



JEQ&CO, LLC
7761 NC HW 87 S
Fayetteville, NC 28306

- a) Dated: Thursday, August 24, 2017 5:31 PM¹⁶
- b) containing attachments
 - i. "SPE8EE17V1048 awarded to 00UF8.PDF"¹⁷;
 - ii. "SPE8EE17T3039.PDF"¹⁸;
 - iii. "Quote in dibbs.pdf"¹⁹
- 3. "17_08_29_1008_acknowledgement of protest B-415412"²⁰. E-mail
 - a) from Jonathan L. Kang Senior Attorney US Government Accountability Office
 - b) To:
 - i. Jacob Queern, Principal, JEQ&Co
 - ii. Bid.protests@dla.mil
 - iii. protests@gao.gov
 - c) Dated: Tuesday, August 29, 2017 10:08 AM
 - d) Containing attached, "B-415142_1
__JEQ &_amp; COMPANY LOGISTICS SOLUTIONS__ACK_CONF_PAC
KAGE_WITHOUT_PROTECTIVE_ORDER.pdf"²¹

¹⁶ Pursuant to FAR §33.104(a) & §21.1(e) pursuant to e-CFR data in effect on August 24, 2017

¹⁷ Tab 4

¹⁸ Tab 5

¹⁹ Tab 6

²⁰ Tab 12

²¹ Tab 13

4. "17_09_07_e-mail_DLA_Request_for_Dismissal"²²

- a) From: Nicole M. Franchetti Senior Counsel, Construction & Equipment DLA Counsel - Troop Support
- b) To: Jacob Queern, Principal, JEQ&Co
- c) Cc: Bid.protests@dla.mil; protests@gao.gov
- d) Dated: Thursday, September 7, 2017 10:36 AM
- e) Stating, in part,

"Mr. Queern,

Please see the attached redacted Request for Dismissal..."

- f) Containing, among others, "B-415142_JEQ Protest_Request for Dismissal_Redacted.pdf"²³ DLA's motion to dismiss the HUBZone status protest of JEQ&Co:
 - i. seemingly as a result of JEQ&Co's demonstrable naivety / misplaced faith in the Federal Government's
 - (1) compliance with the FAR
 - (2) unwillingness to Obstruct a Federal Audit²⁴
 - ii. Acknowledging on p.1, footnote 1,

²² Tab 14

²³ Tab 15

²⁴ 18 U.S.C §1516

(1) JEQ&Co also filed the protest with the SBA [because JEQ&Co had gained reason to suspect that DLA was not forwarding the HUBZone Status Protests made by JEQ&Co to the SBA pursuant to FAR §19.306(e)]

(2) The SBA requested the HUBZone status protests from the DLA accordingly

(3) *“Ordinarily, the SBA issues such as challenges (sic) of a firm’s status are not considered by GAO (sic) pursuant to 4 C.F.R. §21.5(b)”²⁵*

(4) *“The Agency is coordinating with the SBA regarding how it plans to resolve this protest.”*

iii. Willfully omitting the text of 4 C.F.R. §21.5(b)

5. “18_08_01_e-mail cover letter SBA-2018-000899”²⁶ e-mail

a) From: Davida Bobo Administrative Officer, HUBZone Program Government Contracting and Business Development U.S. Small Business Administration

²⁵ [Pursuant to e-CFR data in effect on August 24, 2017]

§21.5 Protest issues not for consideration.

(b) Small Business Administration issues—

(1) Small business size standards and North American Industry Classification System (NAICS) standards.

Challenges of established **size standards or the size status of particular firms**, and challenges of the selected NAICS code **may be reviewed solely by the Small Business Administration**. 15 U.S.C. 637(b)(6).

(2) Small Business Certificate of Competency Program. Referrals made to the Small Business Administration (SBA) pursuant to sec. 8(b)(7) of the Small Business Act, or the issuance of, or refusal to issue, a certificate of competency under that section **will generally not be reviewed by GAO. The exceptions, which GAO will interpret narrowly out of deference to the role of the SBA in this area, are protests that show possible bad faith on the part of government officials...**due to the manner in which the information was presented to or withheld from the SBA by the procuring agency. 15 U.S.C. 637(b)(7).

²⁶ Tab 16

b) To: Jacob Queern, Principal, JEQ&Co

c) Stating, in part,

“This email is in response to your Freedom of Information Act (“FOIA”) request for HUBZone Status Protests that were initiated by JEQ& Co LLC and forwarded to D/HUB between June 14, 2017, and June 14, 2018.”

d) Containing attachments²⁷,

i. “36-2017.pdf;”²⁸

ii. “43-2017.pdf”²⁹

1. ²⁷ Both of which

- a. Contained **identical factual and legal grounds** as that of the HUBZone status protest JEQ&Co made with DLA / GAO and SBA on August 24, 2017: Award SPE8EE17V1048, HUBZone set-aside solicitation SPE8EE17T3039
- b. were forwarded to the SBA by JEQ&Co.
- c. received SBA rulings
 - i. Concurring with the opinion of JEQ&Co
 - ii. containing identical ‘boiler-plate’ language found in “36-2017 Decision Letter-Sustained.PDF”. JEQ&Co’s HUBZone Protest for Solicitation No. SPE7M3-17-T-5860: Contract No. SPE7M3-17-P-4126 was given the nomenclature, “36-2017, JEQ” by SBA and received “36-2017 Decision Letter-Sustained.PDF” as an SBA ruling
 - iii. Sustaining the protest of JEQ&Co
- d. Would lead to the DLA’s later falsification of contract cancellations in response to FOIA request, easily proven by an FPDS search showing that no modifications were made to the contracts

2. Neither of which

- a. Were the HUBZone status protest JEQ&Co made with DLA / GAO and SBA on August 24, 2017: Award SPE8EE17V1048, HUBZone set-aside solicitation SPE8EE17T3039
- b. were forwarded to the SBA by DLA pursuant to FAR §19.306(e)
- c. did the DLA
 - i. take any corrective action
 - ii. terminate the contracts

²⁸ Tab 17

²⁹ Tab 18

6. "19_03_20_1711est_SBAOIG_SAC_Eastern_Region_Kupperbusch"³⁰ e-mail

- a) From: Kupperbusch, Kevin A. (Off. Inspector Gen.)
kevin.kupperbusch@sba.gov, SBA Special Agent in Charge of the Eastern Region of the SBA Office of Inspector General
- b) To: Jacob Queern, Principal, JEQ&Co
- c) Dated: Wednesday, March 20, 2019 7:32 AM
- d) Stating, in part,
 - i. *"I've discussed your complaints at length with our counsel."*
 - (1) Overcoming the objection raised by SBA Counsel, David Fishman, that
 - (a) findings by law enforcement aren't valid
 - (b) only findings reached by an attorney where matters of law are concerned can be considered as valid
 - (2) Mr. Kupperbush's reference to his lengthy discussion with Counsel indicate that the discussion was thoroughly reviewed by a SBA Counsel
 - ii. *"...SBA is delegated the authority to decide size protest issues... the regulations do not provide SBA any recourse if the contracting agency fails to abide by the decisions."*
 - iii. *"SBA's only course of action is to report the agency inaction to the contracting officer's supervisor and/or the IG for that*

³⁰ Tab 19

agency. Any alleged inaction would be in violation of that agency's policies on dealing with contracts³¹."

(1) Per

(a) "17_08_24_L06 Protest award SPE8EE17V1048 solicitation SPE8EE17T3039"³² became aware of the JEQ&Co's HUBZone status protest on August 24, 2017 at 1700est

(b) "17_09_07_e-mail_DLA_Request_for_Dismissal"³³ DLA Counsel Nicole Franchetti stated that sometime between August 24, 2017 1700 est and September 7, 2017 1036est

- i. the SBA requested that DLA forward JEQ&Co's HUBZone status protest of award SPE8EE17V1048 solicitation SPE8EE17T3039 pursuant to FAR §19.306(e)³⁴
- ii. SBA and DLA were coordinating in regard as to how the SBA plans to resolve this protest.

³¹ According to SBA Counsel and SBA Law Enforcement the DLA and the SBA violated

1. 18 U.S.C. §1516
2. In a cooperative fashion, 18 U.S.C. §371

³² Tab 11

³³ Tab 14

³⁴ The SBA should never have had to request it. Pursuant to FAR §19.306(e), JEQ&Co's HUBZone status protest of award SPE8EE17V1048 solicitation SPE8EE17T3039 should have been forwarded to the SBA cognizant office of the HUBZone Program voluntarily by the DLA "...contracting officer **must** forward any protest received, notwithstanding whether the contracting officer believes that the protest is insufficiently specific or untimely..."

(c) The e-mail containing records in response to SBA-2018-000899³⁵, the DLA never referred JEQ&Co's HUBZone status protest of award SPE8EE17V1048 HUBZone set-aside solicitation SPE8EE17T3039 to the SBA

7. "17_09_07_1114_GAO_reply to DLA Req Dismissal"³⁶ e-mail

- a) In response to "17_09_07_e-mail_DLA_Request_for_Dismissal"³⁷
- b) Dated: "Thursday, September 7, 2017 11:14 AM"³⁸
- c) From: Jonathan L. Kang Senior Attorney US Government Accountability Office
441 G Street, NW Washington, DC 20548
- d) To:
 - i. Nicole M. Franchetti Senior Counsel, Construction & Equipment
DLA Counsel - Troop Support
 - ii. Jacob Queern, Principal, JEQ&Co LLC
- e) Stating,

"We have received DLA's request to dismiss the above-referenced protest. The protester should file its response to the request by noon (ET) on Monday, September 11, 2017. The due date for the agency report is suspended pending our ruling on the request for dismissal."

³⁵ Tabs 16 - 18

³⁶ Tab 20

³⁷ Tab 14

³⁸ 38 minutes after receiving "17_09_07_e-mail_DLA_Request_for_Dismissal"

- i. Intentionally giving the protester roughly 12 business hours to respond to the Agency's request for dismissal
- ii. Nowhere in the following is there any statute governing that the protester be given 1.5 business days to respond to an Agency's Motion for Dismissal

- (1) The Competition in Contracting act of 1984
- (2) 31 U.S.C 3551 – 3556 Bid Protest Regulations
- (3) 4 C.F.R. part 21 BID PROTEST REGULATIONS
- (4) 48 C.F.R. §33.104 Protests to GAO

- iii. Failing to address

- (1) Any of DLA Sr. Counsel's incongruent statements on p.1, footnote 1 of "B-415142_JEQ Protest_Request for Dismissal_Redacted.pdf"³⁹

- (2) 4 C.F.R. §21.5(b)⁴⁰

(a) *"(1)Small business size standards ... Challenges of established size standards or the size status of particular firms... may be reviewed **solely** by the Small Business Administration."*

(b) *"(2)Small Business Certificate of Competency Program. ... certificate of competency under that section will generally not be reviewed by GAO. The exceptions,*

³⁹ Tab 15

⁴⁰ Tab 2

which GAO will interpret narrowly out of deference to the role of the SBA in this area, are protests that show possible bad faith on the part of government officials...due to the manner in which the information was presented to or withheld from the SBA by the procuring agency. 15 U.S.C. 637(b)(7).

- (3) Whether or not the DLA forwarded the HUBZone protest requested by the SBA pursuant to FAR §19.306(e) ⁴¹
- iv. Intentionally abdicating the GAO responsibility pursuant to 4 C.F.R. §21.5(b)(2)⁴²
- v. Willfully
 - (1) cooperating in an obstruction of a federal audit
 - (2) violating 18 U.S.C
 - (a) §1516⁴³
 - (b) §371⁴⁴

Given the facts as contained herein, please provide copies of the original records

1. such that the date of creation within the properties of the document reflects a date of creation prior to the date for which the records were sent.
2. In whatever format available⁴⁵,

⁴¹ Tab 1

⁴² Tab 2

⁴³ Tab 21

⁴⁴ Tab 22

⁴⁵ Handwritten, Outlook Item, .pdf, facsimile, etc.

- a) All correspondence between the DLA, SBA, and GAO regarding "17_08_24_0800_Attention GAO Protest Sol T-3039 Award V-1048". JEQ&Co's HUBZone status protest at the GAO dated Thursday, August 24, 2017 8:00 AM
- b) All, complete records requested by JEQ&Co⁴⁶ through foiaonline.gov⁴⁷
 - i. to include those that have
 - (1) Long past the due dates outlined within
 - (a) 5 U.S.C § 552
 - (b) 32 C.F.R. §286.8 Timing of responses to requests.⁴⁸
 - (c) 13 C.F.R. §102.5 Timing of responses to requests.⁴⁹
 - (d) 28 C.F.R. §16.5 Timing of responses to requests.⁵⁰
 - (2) Been closed under false pretense (e.g. DLA's willfully false allegation that JEQ&Co refuses to pay FOIA fees when by DLA Counsel's own admission the FOIA requests for which DLA alleges JEQ&Co refused to pay FOIA fees the records released in response to the FOIA requests were
 - (a) In one case, falsified
 - (b) In the other case, incomplete

⁴⁶ Tab 23

⁴⁷ Enclosed as "19_10_14_JEQ&Co FOIA Requests"

⁴⁸ Department of Defense

⁴⁹ Small Business Administration

⁵⁰ Department of Justice

(3) Been redacted under the false pretense that 5 U.S.C § 552(b)(6)⁵¹

(a) protects the names and contact information of those in the Federal Government

i. serving in a professional capacity

ii. receiving an income provided by the United States taxpayer

(b) Inherently, point of contact information for someone serving in a professional capacity that is receiving an income from the United States taxpayer cannot be an invasion of personal privacy.

ii. For the purposes of concealing wrongdoing by individuals within agency components.

⁵¹ "(b) This section does not apply to matters that are—
(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;"



JEQ&CO, LLC
7761 NC HW 87 S
Fayetteville, NC 28306

Certificate of Service: CERTIFICATE OF SERVICE I hereby certify that on – October 15, 2019 a copy of this by

1. First class mail to the following:
Clerk's Office, US District Court
Eastern District of VA
600 Granby St.
Norfolk, VA 23510
2. E-mail to nc09.Casework@house.mail.gov
3. Web portal at muckrock.com





JEQ&CO, LLC
7761 NC HW 87 S
Fayetteville, NC 28306

Certification of Contractor Claim

I, Jacob Queern, certify (A) the claim is made in good faith;

(B) the supporting data are accurate and complete to the best of the contractor's knowledge and belief;

(C) the amount requested accurately reflects the contract adjustment for which the contractor believes the Federal Government is liable; and

(D) the certifier is authorized to certify the claim on behalf of the contractor.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Thank you for your consideration.

Date: October 15, 2019

JEQ&CO LLC
CAGE 7B1T4
(O/C): +1(757)633.1206
(F): +1(757)425.1841
jqueern@jeqandco.com
Small Business Administration HUBZone Certified Small Business Concern



JEQ&CO, LLC
7761 NC HW 87 S
Fayetteville, NC 28306

Primary Business Address:
JEQ&Co LLC

7761 NC HW 87 S
Fayetteville, NC 28306

Mailing Address:
JEQ&Co,
C/O OCAVB
3502 Pacific Ave
Virginia Beach, VA 23451

Enclosures (23)





JEQ&CO, LLC
7761 NC HW 87 S
Fayetteville, NC 28306

Enclosures:

1. FAR §19.306(e)
2. 4 C.F.R. §21.5(b)
3. 17_08_24_0800_Attention GAO Protest Sol T-3039 Award V-1048
4. SPE8EE17V1048 awarded to 00UF8.PDF
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12. 17_08_29_1008_acknowledgement of protest B-415412
13. B-415142_1 __JEQ_&_COMPANY_LOGISTICS_SOLUTIONS__ACK_CONF_PAC
KAGE_WITHOUT_PROTECTIVE_ORDER.pdf
14. 17_09_07_e-mail_DLA_Request_for_Dismissal
15. B-415142_JEQ Protest_Request for Dismissal_Redacted.pdf
16. 18_08_01_e-mail cover letter SBA-2018-000899
17. 36-2017.pdf
18. 43-2017.pdf
19. 19_03_20_1711est_SBAOIG_SAC_Eastern_Region_Kupperbusch
20. 17_09_07_1114_GAO_reply to DLA Req Dismissal
21. §1516
22. §371
23. All, complete records requested by JEQ&Co through foiaonline.gov



Tab 1

Federal Acquisition Regulation

19.306

(1) The party whose protest has been denied;

(2) The concern whose status was protested; or

(3) The contracting officer.

(j) The appeal must be filed with the SBA's Administrator or designee within five working days after receipt of the determination. If the contracting officer receives the SBA's decision on the appeal before award, the decision shall apply to the instant acquisition. If the decision is received after award, it will not apply to the instant acquisition (but see paragraph (g)(2) of this section).

[63 FR 35722, June 30, 1998, as amended at 63 FR 36122, July 1, 1998]

19.306 Protesting a firm's status as a HUBZone small business concern.

(a) For sole source acquisitions, the SBA or the contracting officer may protest the apparently successful offeror's HUBZone small business status. For all other acquisitions, an offeror, the contracting officer, or the SBA may protest the apparently successful offeror's HUBZone small business concern status.

(b) Protests relating to whether a HUBZone small business concern is a small business for purposes of any Federal program are subject to the procedures of subpart 19.3. Protests relating to small business size status for the acquisition and the HUBZone qualifying requirements will be processed concurrently by SBA.

(c) All protests must be in writing and must state all specific grounds for the protest. Assertions that a protested concern is not a qualified HUBZone small business concern, without setting forth specific facts or allegations, are insufficient. An offeror must submit its protest to the contracting officer. The contracting officer and the SBA must submit protests to SBA's Associate Administrator for the HUBZone Program (AA/HUB).

(d) An offeror's protest must be received by close of business on the fifth business day after bid opening (in sealed bid acquisitions) or by close of business on the fifth business day after notification by the contracting officer of the apparently successful offeror (in negotiated acquisitions). Any protest

received after these time limits is untimely. Any protest received prior to bid opening or notification of intended award, whichever applies, is premature and shall be returned to the protester.

~~(e) Except for premature protests, the contracting officer must forward any protest received, notwithstanding whether the contracting officer believes that the protest is insufficiently specific or untimely, to AA/HUB, U.S. Small Business Administration, 489 3rd Street, SW, Washington, DC 20316. The AA/HUB will notify the protester and the contracting officer of the date the protest was received and whether the protest will be processed or dismissed for lack of timeliness or specificity.~~

(f) SBA will determine the HUBZone status of the protested HUBZone small business concern within 15 business days after receipt of a protest. If SBA does not contact the contracting officer within 15 business days, the contracting officer may award the contract to the apparently successful offeror, unless the contracting officer has granted SBA an extension. The contracting officer may award the contract after receipt of a protest if the contracting officer determines in writing that an award must be made to protect the public interest.

(g) SBA will notify the contracting officer, the protester, and the protested concern of its determination. The determination is effective immediately and is final unless overturned on appeal by SBA's Associate Deputy Administrator for Government Contracting and 8(a) Business Development (ADA/GC&8(a)BD).

(h) The protested HUBZone small business concern, the protester, or the contracting officer may file appeals of protest determinations with SBA's ADA/GC&8(a)BD. The ADA/GC&8(a)BD must receive the appeal no later than 5 business days after the date of receipt of the protest determination. SBA will dismiss any appeal received after the 5-day period.

(i) The appeal must be in writing. The appeal must identify the protest determination being appealed and must set forth a full and specific statement as to why the decision is erroneous or what significant fact the AA/HUB failed to consider.

(j) The party appealing the decision must provide notice of the appeal to the contracting officer and either the protested HUBZone small business concern or the original protester, as appropriate. SBA will not consider additional information or changed circumstances that were not disclosed at the time of the AA/HUB's decision or that are based on disagreement with the findings and conclusions contained in the determination.

(k) The ADA/GC&8(a)BD will make its decision within 5 business days of the receipt of the appeal, if practicable, and will base its decision only on the information and documentation in the protest record as supplemented by the appeal. SBA will provide a copy of the decision to the contracting officer, the protester, and the protested HUBZone small business concern. The SBA decision, if received before award, will apply to the pending acquisition. SBA rulings received after award will not apply to that acquisition. The ADA/GC&8(a)BD's decision is the final decision.

[63 FR 70269, Dec. 18, 1998, as amended at 64 FR 51831, Sept. 24, 1999]

19.307 Protesting a firm's status as a service-disabled veteran-owned small business concern.

(a) For sole source acquisitions, the SBA or the contracting officer may protest the apparently successful offeror's service-disabled veteran-owned small business status. For service-disabled veteran-owned small business set-asides, any interested party may protest the apparently successful offeror's service-disabled veteran-owned small business concern status.

(b) Protests relating to whether a service-disabled veteran-owned small business concern is a small business for purposes of any Federal program are subject to the procedures of Subpart 19.3. Protests relating to small business size status for the acquisition and the service-disabled veteran-owned small business status requirements will be processed concurrently by SBA.

(c) All protests must be in writing and must state all specific grounds for the protest. Assertions that a protested concern is not a service-disabled veteran-owned small business concern,

without setting forth specific facts or allegations, are insufficient. An offeror must submit its protest to the contracting officer. The contracting officer and the SBA must submit protests to SBA's Associate Administrator for Government Contracting. The SBA regulations are found at 13 CFR 125.24 through 125.28.

(d) An offeror's protest must be received by close of business on the fifth business day after bid opening (in sealed bid acquisitions) or by close of business on the fifth business day after notification by the contracting officer of the apparently successful offeror (in negotiated acquisitions). Any protest received after these time limits is untimely. Any protest received prior to bid opening or notification of intended award, whichever applies, is premature and shall be returned to the protester.

(e) Except for premature protests, the contracting officer must forward to SBA by mail or facsimile transmission (202-205-6390) any protest received, notwithstanding whether the contracting officer believes that the protest is insufficiently specific or untimely. The protest must be accompanied by a referral letter, with the notation on the envelope or facsimile cover sheet: "Attn: Service-Disabled Veteran Status Protest," and be sent to Associate Administrator for Government Contracting AA/GU, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416.

(f) The referral letter must include information pertaining to the solicitation that may be necessary for SBA to determine timeliness and standing, including the solicitation number; the name, address, telephone number and facsimile number of the contracting officer; whether the contract was sole-source or set-aside; whether the protestor submitted an offer; whether the protested concern was the apparent successful offeror; when the protested concern submitted its offer (*i.e.*, made the self-representation that it was a service-disabled veteran-owned small business concern); whether the procurement was conducted using sealed bid or negotiated procedures; the bid opening date, if applicable; when the protest was submitted; when the protester received notification about the



Tab 2

§ 21.4

GAO reserves the right to disregard material submitted without prior approval.

[61 FR 39042, July 26, 1996, as amended at 67 FR 79835, Dec. 31, 2002; 73 FR 32430, June 9, 2008]

§ 21.4 Protective orders.

(a) At the request of a party or on its own initiative, GAO may issue a protective order controlling the treatment of protected information. Such information may include proprietary, confidential, or source-selection-sensitive material, as well as other information the release of which could result in a competitive advantage to one or more firms. The protective order shall establish procedures for application for access to protected information, identification and safeguarding of that information, and submission of redacted copies of documents omitting protected information. Because a protective order serves to facilitate the pursuit of a protest by a protester through counsel, it is the responsibility of protester's counsel to request that a protective order be issued and to submit timely applications for admission under that order.

(b) If no protective order has been issued, the agency may withhold from the parties those portions of its report that would ordinarily be subject to a protective order. GAO will review in camera all information not released to the parties.

(c) After a protective order has been issued, counsel or consultants retained by counsel appearing on behalf of a party may apply for admission under the order by submitting an application to GAO, with copies furnished simultaneously to all parties. The application shall establish that the applicant is not involved in competitive decision-making for any firm that could gain a competitive advantage from access to the protected information and that there will be no significant risk of inadvertent disclosure of protected information. Objections to an applicant's admission shall be raised within 2 days after receipt of the application, although GAO may consider objections raised after that time.

(d) Any violation of the terms of a protective order may result in the im-

4 CFR Ch. I (1–12 Edition)

position of such sanctions as GAO deems appropriate, including referral to appropriate bar associations or other disciplinary bodies, restricting the individual's practice before GAO, prohibition from participation in the remainder of the protest, or dismissal of the protest.

[61 FR 39042, July 26, 1996, as amended at 67 FR 79835, Dec. 31, 2002; 73 FR 32430, June 9, 2008]

§ 21.5 Protest issues not for consideration.

A protest or specific protest allegations may be dismissed any time sufficient information is obtained by GAO warranting dismissal. Where an entire protest is dismissed, no agency report need be filed; where specific protest allegations are dismissed, an agency report shall be filed on the remaining allegations. Among the protest bases that shall be dismissed are the following:

(a) *Contract administration.* The administration of an existing contract is within the discretion of the agency. Disputes between a contractor and the agency are resolved pursuant to the disputes clause of the contract and the Contract Disputes Act of 1978. 41 U.S.C. 601–613.

(b) *Small Business Administration issues*—(1) Small business size standards and North American Industry Classification System (NAICS) standards. *Challenges of established size standards or the size status of particular firms, and challenges of the selected NAICS code may be reviewed solely by the Small Business Administration, 15 U.S.C. 637(b)(6).*

(2) *Small Business Certificate of Competency Program.* Referrals made to the Small Business Administration (SBA) pursuant to sec. 8(b)(7) of the Small Business Act, or the issuance of, or refusal to issue, a certificate of competency under that section will generally not be reviewed by GAO. The exceptions, which GAO will interpret narrowly out of deference to the role of the SBA in this area, are protests that show possible bad faith on the part of government officials, or that present allegations that the SBA failed to follow its own published regulations or failed to consider vital information

Government Accountability Office

hearing on the firm's responsibility due to the manner in which the information was presented to or withheld from the SBA by the procuring agency. 15 U.S.C. 637(b)(7).

(3) *Procurements under sec. 8(a) of the Small Business Act.* Under that section, since contracts are entered into with the Small Business Administration at the contracting officer's discretion and on such terms as are agreed upon by the procuring agency and the Small Business Administration, the decision to place or not to place a procurement under the 8(a) program is not subject to review absent a showing of possible bad faith on the part of government officials or that regulations may have been violated. 15 U.S.C. 637(a).

(c) *Affirmative determination of responsibility by the contracting officer.* Because the determination that a bidder or offeror is capable of performing a contract is largely committed to the contracting officer's discretion, GAO will generally not consider a protest challenging such a determination. The exceptions are protests that allege that definitive responsibility criteria in the solicitation were not met and those that identify evidence raising serious concerns that, in reaching a particular responsibility determination, the contracting officer unreasonably failed to consider available relevant information or otherwise violated statute or regulation.

(d) *Procurement integrity.* For any Federal procurement, GAO will not review an alleged violation of subsections (a), (b), (c), or (d) of sec. 27 of the Office of Federal Procurement Policy Act, 41 U.S.C. 423, as amended by sec. 4304 of the National Defense Authorization Act for Fiscal Year 1996, Public Law 104-106, 110 Stat. 186, February 10, 1996, where the protester failed to report the information it believed constituted evidence of the offense to the Federal agency responsible for the procurement within 14 days after the protester first discovered the possible violation.

(e) Protests not filed either in GAO or the agency within the time limits set forth in §21.2.

(f) Protests which lack a detailed statement of the legal and factual grounds of protest as required by

§21.6

§21.1(c)(4), or which fail to clearly state legally sufficient grounds of protest as required by §21.1(f).

(g) *Procurements by agencies other than Federal agencies as defined by sec. 3 of the Federal Property and Administrative Services Act of 1949, 40 U.S.C. 472.* Protests of procurements or proposed procurements by agencies such as the U.S. Postal Service, the Federal Deposit Insurance Corporation, and non-appropriated fund activities are beyond GAO's bid protest jurisdiction as established in 31 U.S.C. 3551-3556.

(h) *Subcontract protests.* GAO will not consider a protest of the award or proposed award of a subcontract except where the agency awarding the prime contract has requested in writing that subcontract protests be decided pursuant to §21.13.

(i) *Suspensions and debarments.* Challenges to the suspension or debarment of contractors will not be reviewed by GAO. Such matters are for review by the agency in accordance with the applicable provisions of the Federal Acquisition Regulation.

(j) *Competitive range.* GAO will not consider protests asserting that the protester's proposal should not have been included or kept in the competitive range.

(k) *Decision whether or not to file a protest on behalf of Federal employees.* GAO will not review the decision of an agency tender official to file a protest or not to file a protest in connection with a public-private competition.

[61 FR 39042, July 26, 1996, as amended at 67 FR 79835, Dec. 31, 2002; 70 FR 19681, Apr. 14, 2005; 73 FR 32430, June 9, 2008]

§21.6 Withholding of award and suspension of contract performance.

Where a protest is filed with GAO, the agency may be required to withhold award and to suspend contract performance. The requirements for the withholding of award and the suspension of contract performance are set forth in 31 U.S.C. 3553(c) and (d); GAO does not administer the requirements to stay award or suspend contract performance under CICA at 31 U.S.C. 3553(c) and (d).

[73 FR 32430, June 9, 2008]



Tab 3

Jacob Queern

From: Jacob Queern
Sent: Thursday, August 24, 2017 8:00 AM
To: protests@gao.gov
Subject: Attention: Procurement Law Group Protest Solicitation: SPE8EE17T3039 Award: SPE8EE17V1048
Attachments: SPE8EE17V1048 awarded to 00UF8.PDF; SPE8EE17T3039.PDF; Quote in dibbs.pdf; 36-2017 Decision Letter-Sustained.PDF; consequences misrepresentation.pdf; 2HUBZone&GAO protest SPE8EE17V1048.pdf; demonstration of notice to CO.pdf

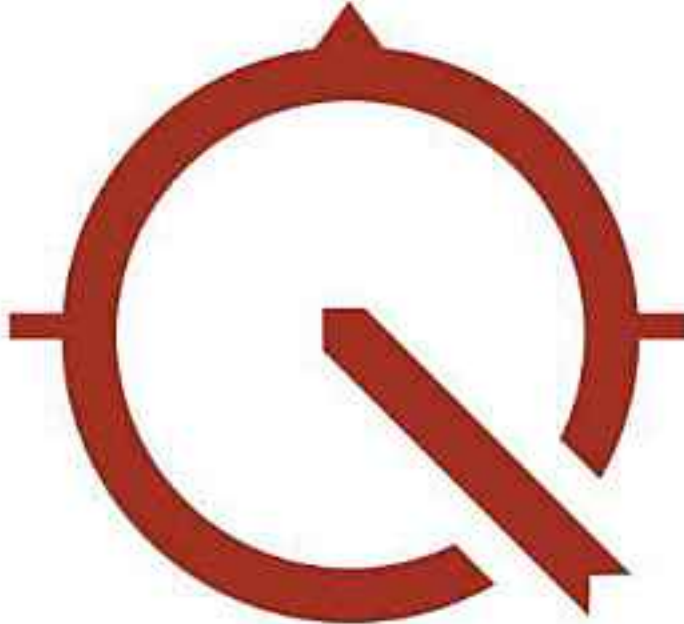
Procurement Law Group,

Please find

1. Attached Award: SPE8EE17V1048
2. Attached solicitation: SPE8EE17T3039
3. Attached protest: 2HUBZoneGAO protest SPE8EE17V1048
4. Attached 36-2017 Decision Letter-Sustained
5. Attached Consequences Misrepresentation
6. Attached demonstration of notice to contracting office (CO)

Please confirm receipt and keep me updated with respect to the outcome of the protest

Jacob Queern
Principal
JEQ & Co Logistics Solutions
MC #: 907263
C: (757) 633 – 1206
jqueern@jeqandco.com
Skype: jqueern
CAGE Code: 7B1T4



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Tab 4

ORDER FOR SUPPLIES OR SERVICES					PAGE 1 OF 5
1. CONTRACT/PURCH ORDER/AGREEMENT NO. SPE8EE-17-V-1048		2. DELIVERY ORDER/CALL NO.		3. DATE OF ORDER/CALL (YYYYMMDD) 2017 AUG 22	4. REQUISITION/PURCH REQUEST NO. 0070222513
6. ISSUED BY DLA TROOP SUPPORT CONSTRUCTION & EQUIPMENT MANU & CON 700 ROBBINS AVENUE PHILADELPHIA PA 19111-5096 USA Local Admin: Elizabeth Paullin PAA1194 Tel: 215-737-7695 Email: elizabeth.paullin@dla.mil		CODE SPE8EE	7. ADMINISTERED BY (If other than 6) DCMA ORLANDO 3555 MAGUIRE BLVD PH 407 228 5100 ORLANDO FL 32803-3799 USA Criticality: C PAS: None		CODE S1002A
9. CONTRACTOR NAME AND ADDRESS Consolidated Cordage Corporation 1707 Avenida Del Sol BOCA RATON FL 33432-1742 USA		CODE 00UF8	FACILITY 00UF8	8. DELIVERY FOB DESTINATION <input type="checkbox"/> OTHER (See Schedule if other)	
				10. DELIVER TO FOB POINT BY (Date) (YYYYMMDD) 137 DAYS ADO	
				11. X IF BUSINESS IS <input type="checkbox"/> SMALL <input checked="" type="checkbox"/> SMALL DISADVANTAGED <input checked="" type="checkbox"/> WOMEN-OWNED	
				12. DISCOUNT TERMS Net 30 days	
13. MAIL INVOICES TO THE ADDRESS IN BLOCK Submit Invoices IAW DFARS 252.232-7003					
14. SHIP TO SEE SCHEDULE, DO NOT SHIP TO ADDRESSES ON THIS PAGE		CODE	15. PAYMENT WILL BE MADE BY DEF FIN AND ACCOUNTING SVC BSM P O BOX 182317 COLUMBUS OH 43218-2317 USA		CODE SL4701
MARK ALL PACKAGES AND PAPERS WITH IDENTIFICATION NUMBERS IN BLOCKS 1 AND 2.					
16. TYPE OF ORDER	DELIVERY/ CALL	This delivery order/call is issued on another Government agency or in accordance with and subject to terms and conditions of above numbered contract.			
	PURCHASE	Reference your Offer/Quote dated 2017 AUG 09, 4020014468097M1 furnish the following on terms specified herein.			
ACCEPTANCE. THE CONTRACTOR HEREBY ACCEPTS THE OFFER REPRESENTED BY THE NUMBERED PURCHASE ORDER AS IT MAY PREVIOUSLY HAVE BEEN OR IS NOW MODIFIED, SUBJECT TO ALL OF THE TERMS AND CONDITIONS SET FORTH, AND AGREES TO PERFORM THE SAME.					
NAME OF CONTRACTOR _____ SIGNATURE _____ TYPED NAME AND TITLE _____ DATE SIGNED (YYYYMMDD) _____ If this box is marked, supplier must sign Acceptance and return the following number of copies: _____					
17. ACCOUNTING AND APPROPRIATION DATA/LOCAL USE BX: 97X4930 5CBX 001 2620 S33189					
18. ITEM NO.	19. SCHEDULE OF SUPPLIES/SERVICES			20. QUANTITY ORDERED/ACCEPTED*	21. UNIT
	THE PURCHASE ORDER CLAUSES ARE APPLICABLE AS INDICATED IN THE DLA MASTER SOLICITATION FOR AUTOMATED SIMPLIFIED ACQUISITIONS REVISION 39 (AUGUST 3, 2017) WHICH CAN BE FOUND ON THE WEB AT http://www.dla.mil/Portals/104/Documents/J7Acquisition/Master%20Solicitation%20Rev-39%20August-3-2017-R1.pdf			27,464	
24. UNITED STATES OF AMERICA MICHAEL T. NICOLARDI MICHAEL.NICOLARDI@DLA.MIL BY: PHPHBT			25. TOTAL \$9,557.47		26. DIFFERENCES
27a. QUANTITY IN COLUMN 20 HAS BEEN <input type="checkbox"/> INSPECTED <input type="checkbox"/> RECEIVED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT EXCEPT AS NOTED:					
b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE			c. DATE (YYYYMMDD)	d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE			28. SHIP. NO.	29. D.O. VOUCHER NO.	30. INITIALS
f. TELEPHONE NUMBER			g. E-MAIL ADDRESS	32. PAID BY	
			31. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	33. AMOUNT VERIFIED CORRECT FOR	
36. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT.			34. CHECK NUMBER		
a. DATE (YYYYMMDD)	b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		35. BILL OF LADING NO.		
37. RECEIVED AT	38. RECEIVED BY (Print)	39. DATE RECEIVED (YYYYMMDD)	40. TOTAL CONTAINERS	41. S/R ACCOUNT NUMBER	42. S/R VOUCHER NO.

DFARS 252.225-7001, BUY AMERICAN ACT--BALANCE OF PAYMENTS PROGRAM APPLIES.

This is a First Destination Transportation (FDT) program award. If this award is for FMS or has an APO/FPO ship-to address, these instructions do not apply and normal procedures should be followed.

1. CONUS AWARDEES SHIPPING TO ALL LOCATIONS: Transportation requirements for FDT awards are located in Procurement Note C15 - First Destination Transportation (FDT) Program, Government Arranged Transportation for Automated Awards and Procurement Note C20 - Vendor Shipment Module (VSM)

2. OCONUS AWARDEE WITH INSPECTION AND ACCEPTANCE AT DESTINATION: Transportation requirements are located in Procurement Note C15 - First Destination Transportation (FDT) Program - Government Arranged Transportation for Automated Awards, Procurement Note C17 - FDT Program Shipments Originating from Outside the Contiguous United States and Procurement Note C20 - Vendor Shipment Module (VSM). The contiguous United States location identified in the awardee's offer is the FOB Origin pick-up point.

3. OCONUS AWARDEE WITH INSPECTION AND ACCEPTANCE AT ORIGIN: Government arranged transportation utilizing DCMA's Shipping Instruction Request (SIR) web-based system applies. See Procurement Note C21 - Shipping Instruction Request (SIR).

CONTINUED ON NEXT PAGE

CONTINUATION SHEET	ORDER NUMBER / CALL NUMBER SPE8EE-17-V-1048	Page of Pages 3 5
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SECTION B

PR: 0070222513
SUPPLIES/SERVICES:

4020014468097

CORD, FIBROUS

CORD, FIBROUS
RP001: DLA PACKAGING REQUIREMENTS FOR PROCUREMENT

RA001: THIS DOCUMENT INCORPORATES TECHNICAL AND/OR QUALITY REQUIREMENTS (IDENTIFIED BY AN 'R' OR AN 'I' NUMBER) SET FORTH IN FULL TEXT IN THE DLA MASTER LIST OF TECHNICAL AND QUALITY REQUIREMENTS FOUND ON THE WEB AT: <http://www.dla.mil/HQ/Acquisition/Offers/eProcurement.aspx>. FOR SIMPLIFIED ACQUISITIONS, THE REVISION OF THE MASTER IN EFFECT ON THE SOLICITATION ISSUE DATE OR THE AWARD DATE CONTROLS. FOR LARGE ACQUISITIONS, THE REVISION OF THE MASTER IN EFFECT ON THE RFP ISSUE DATE APPLIES UNLESS A SOLICITATION AMENDMENT INCORPORATES A FOLLOW-ON REVISION, IN WHICH CASE THE AMENDMENT DATE CONTROLS.

RQ009: INSPECTION AND ACCEPTANCE AT ORIGIN

RQ011: REMOVAL OF GOVERNMENT IDENTIFICATION FROM NON-ACCEPTED SUPPLIES

(80063) US ARMY COMM & ELECTRONICS COMMAND
DRAWING APPLIES EXCEPT: USE A-A-55093 I/L/O
CANCELLED SPEC V-L-61.
CID A-A-55093 FOR TIP MOLDING PROCESS ONLY.
COLOR: BLACK
LENGTH: 47.00 INCHES PLUS/MINUS 1.00 INCH
CORD MATERIAL SHALL BE IAW MIL-B-371,
TYPE IV, CLASS 3.

SAMPLING:
THE SAMPLING METHOD SHALL BE IN ACCORDANCE WITH MIL-STD-1916 OR ASQ H1331, TABLE 1 OR A COMPARABLE ZERO BASED SAMPLING PLAN UNLESS OTHERWISE SPECIFIED BY THE CONTRACT. IF THE APPLICABLE DRAWING, SPECIFICATION, STANDARD, OR QUALITY ASSURANCE PROVISION (QAP) SPECIFIES CRITICAL, MAJOR AND/OR MINOR ATTRIBUTES, THEY SHALL BE ASSIGNED VERIFICATION LEVELS OF VII, IV AND II OR AQLS OF 0.1, 1.0 AND 4.0 RESPECTIVELY. UNSPECIFIED ATTRIBUTES SHALL BE CONSIDERED AS MAJOR UNLESS SAMPLING PLANS ARE SPECIFIED IN APPLICABLE DOCUMENTS. FOR MIL-STD-1916, THE MANUFACTURER MAY USE THE ATTRIBUTE OR VARIABLE INSPECTION METHOD AT THEIR OPTION OR PER THE CONTRACT. MIL-STD-105/ASQ Z1.4 MAY BE USED TO SET SAMPLE LOT SIZE, BUT ACCEPTANCE WOULD BE ZERO NON-CONFORMANCES IN THE SAMPLE LOT UNLESS OTHERWISE SPECIFIED IN THE CONTRACT.

THE DRAWING(S) LISTED BELOW ARE AVAILABLE AT
DLA DURING *OPEN SOLICITATION ONLY*.
TO RECEIVE A COPY OF THE DRAWING(S),

CONTINUED ON NEXT PAGE

SECTION B

FOR EBS SOLICITATIONS USE URL
HTTPS://WWW.DIBBS.BSM.DLA.MIL/RFQ/

CRITICAL ITEM - SOURCE INSPECTION REQUIRED.

QAP EQ003 APPLIES

CRITICAL APPLICATION ITEM

IAW BASIC DRAWING NR 80063 A3144306
REVISION NR F DTD 04/19/2001
PART PIECE NUMBER:

IAW REFERENCE QAP 14153 QAP-EQ003
REVISION NR A DTD 09/10/1998
PART PIECE NUMBER:

IAW REFERENCE SPEC NR MIL-B-371F
REVISION NR F DTD 05/15/1987
PART PIECE NUMBER:

IAW REFERENCE CID A-A-55093A
REVISION NR A DTD 08/09/2016
PART PIECE NUMBER:

CLIN	PR	PRLI	UI	QUANTITY	UNIT PRICE	CURRENCY	TOTAL PRICE
0001	0070222513	0001	EA	27,464.000	0.34800	USD	9,557.47

NSN/MATERIAL:4020014468097

QTY VARIANCE: PLUS 00.00% MINUS 00.00%

INSPECTION POINT: ORIGIN

ACCEPTANCE POINT: ORIGIN

PREP FOR DELIVERY:

PKGING DATA-QUP:001

SHALL BE PACKAGED IN ACCORDANCE WITH ASTM D 3951.

Markings Paragraph

When ASTM D3951, Commercial Packaging is specified, the following apply:

- ,,All Section "D" Packaging and Marking Clauses take precedence over ASTM D3951.
- ,,In addition to requirements in MIL-STD-129, when Commercial Packaging is used, the Method of Preservation for all MIL-STD-129 marking and labeling shall be "CP" Commercial Pack.
- ,,The Unit of Issue (U/I) and Quantity per Unit Pack (QUP) as specified

CONTINUED ON NEXT PAGE

SECTION B

CLIN: 0001 PR: 0070222513 PRLI: 0001 CONT'D

in the contract take precedence over QUP in ASTM D3951.

DELIVER FOB: ORIGIN DELIVER BY: 2018 JAN 08

PLACE of INSPECTION for PACKAGING:
00UF8
Consolidated Cordage Corporation
1707 Avenida Del Sol
BOCA RATON FL 33432-1742
USA

PARCEL POST ADDRESS:

W25G1U
W1A8 DLA DISTRIBUTION
DDSP NEW CUMBERLAND FACILITY
2001 NORMANDY DRIVE DOOR 113 TO 134
NEW CUMBERLAND PA 17070-5002
US

FOR TRANSPORTATION ASSISTANCE SEE DLAD 52.247-9034. FOR FIRST DESTINATION TRANSPORTATION (FDT)
AWARDS SEE DLAD 52.247-9059 AND
CONTRACT INSTRUCTIONS INSTEAD.

FREIGHT SHIPPING ADDRESS:

W25G1U
W1A8 DLA DISTRIBUTION
DDSP NEW CUMBERLAND FACILITY
2001 NORMANDY DRIVE DOOR 113 TO 134
NEW CUMBERLAND PA 17070-5002
US

* * * * *



Tab 5

REQUEST FOR QUOTATIONS		THIS RFQ <input checked="" type="checkbox"/> IS <input type="checkbox"/> IS NOT A SMALL BUSINESS SET-ASIDE		PAGE 1 OF 7 PAGES
1. REQUEST NO. SPE8EE-17-T-3039	2. DATE ISSUED 2017 AUG 09	3. REQUISITION/PURCHASE REQUEST NO. 0070222513	4. CERT. FOR NAT. DEF. UNDER BDSA REG. 2 AND/OR DMS REG. 1	RATING DO-C9
5. ISSUED BY DLA TROOP SUPPORT CONSTRUCTION & EQUIPMENT MANU & CON 700 ROBBINS AVENUE PHILADELPHIA PA 19111-5096 USA Name: David Katz Buyer Code: PEPCEAZ Tel: 215-737-2692 Fax: 215-737-6147 Email: DLA-TS-FCEA.Inquiry@dla.mil			6. DELIVER BY (Date) 137 DAYS ADO	
8. TO:			7. DELIVERY <input type="checkbox"/> FOB DESTINATION <input checked="" type="checkbox"/> OTHER (See Schedule)	
			9. DESTINATION	
			a. NAME OF CONSIGNEE See Schedule	
			b. STREET ADDRESS	
			c. CITY	
			d. STATE	e. ZIP CODE
10. PLEASE FURNISH QUOTATIONS TO THE ISSUING OFFICE IN BLOCK 5 ON OR BEFORE CLOSE OF BUSINESS (Date) 2017 AUG 21		IMPORTANT: This is a request for information, and quotations furnished are not offers. If you are unable to quote, please so indicate on this form and return it to the address in Block 5. This request does not commit the Government to pay any costs incurred in the preparation of the submission of this quotation or to contract for supplies or services. Supplies are of domestic origin unless otherwise indicated by quoter. Any representations and/or certifications attached to this Request for Quotations must be completed by the quoter.		
11. SCHEDULE (See Continuation Sheets)				

POC INFORMATION:

WHEN TECHNICAL DATA IS PROVIDED IT MUST BE OBTAINED AT: <https://pcf1x.bsm.dla.mil/cfolders>. DISCREPANCIES FOUND IN TECHNICAL DATA SHOULD SUBMIT REQUEST TO THE DLA CUSTOMER SERVICE WEBSITE: <https://www.pdmd.dla.mil/cs/>

ALL OTHER QUESTIONS (SOLICITATION REQUIREMENTS, ITEM DESCRIPTION, AWARD CHOICE, ETC.), PLEASE CONTACT THE BUYER SHOWN ABOVE.

QUESTIONS REGARDING OPERATION OF THE DLA-BSM INTERNET BID BOARD SYSTEM SHOULD BE E-MAILED TO: DibbsBSM@dla.mil

FOR IMMEDIATE ASSISTANCE, PLEASE REFER TO THE FREQUENTLY ASKED QUESTIONS (FAQS) ON BSM DIBBS AT: <https://www.dibbs.bsm.dla.mil/Refs/help/DIBBSHelp.htm> OR PHONE 1-855-DLA-0001 (1-855-352-0001).

MASTER SOLICITATION

THIS SOLICITATION INCORPORATES THE TERMS AND CONDITIONS SET FORTH IN THE DLA MASTER SOLICITATION FOR AUTOMATED SIMPLIFIED ACQUISITIONS REVISION 38 (MAY 26, 2017) WHICH CAN BE FOUND ON THE WEB AT:
http://www.dla.mil/Portals/104/Documents/J7Acquisition/Master_Solicitation_Rev-38_May-26-2017.pdf

This solicitation incorporates technical/quality requirements ('R' or 'I' number in section B). The full text is in the DLA Technical and Quality Master List of Requirements at: <http://www.dla.mil/HQ/Acquisition/Offers/eprocurement.aspx> The revision of the TQ Master in effect on the award date controls.

12. DISCOUNT FOR PROMPT PAYMENT	a. 10 CALENDAR DAYS (%)		b. 20 CALENDAR DAYS (%)	c. 30 CALENDAR DAYS (%)	d. CALENDAR DAYS	
					NUMBER	PERCENTAGE
NOTE: Additional provisions and representations <input type="checkbox"/> are <input checked="" type="checkbox"/> are not attached.						
13. NAME AND ADDRESS OF QUOTER				14. SIGNATURE OF PERSON AUTHORIZED TO SIGN QUOTATION		15. Date of Quotation
a. NAME OF QUOTER CAGE				16. SIGNER		b. TELEPHONE
b. STREET ADDRESS						
c. COUNTY						
d. CITY	e. STATE	f. ZIP CODE	c. TITLE (Type or Print)		AREA CODE	
					NUMBER	

SECTION A

THIS BUY MAY BE A CANDIDATE FOR AUTOMATED AWARD. HOWEVER, AUTOMATED SOLICITATIONS CONTAINING FIRST ARTICLE TEST REQUIREMENTS ARE NOT CANDIDATES FOR AN AUTOMATED AWARD. ALL QUOTES MUST BE SUBMITTED VIA THE DLA INTERNET BID BOARD SYSTEM (DIBBS) AT <https://www.dibbs.bsm.dla.mil>. MICRO-PURCHASE QUOTES MAY BE AWARDED PRIOR TO RETURN DATE.

DLAD 52.219-9008 COMBINED HUBZONE/SMALL BUSINESS SET-ASIDE INSTRUCTIONS
- TYPE 1 APPLY

SMALL BUSINESS MUST MEET APPLICABLE SIZE STANDARD. IF THE TOTAL QUOTED VALUE IS BETWEEN \$3,500 AND \$25,000 THEN THE QUOTER MUST SUPPLY THE PRODUCT OF A SMALL OR LARGE DOMESTIC BUSINESS MANUFACTURER.

IF THE TOTAL QUOTED VALUE IS GREATER THAN OR EQUAL TO \$25,000 THE QUOTER MUST SUPPLY THE PRODUCT OF A SMALL BUSINESS MANUFACTURER, EXCEPT THAT A CAGE REPRESENTING ITSELF TO BE A HUBZONE SMALL BUSINESS ON A HUBZONE SET-ASIDE MUST SUPPLY THE PRODUCT OF A HUBZONE SMALL BUSINESS CONCERN.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM 314994 SEE
<http://www.sba.gov/content/table-small-business-size-standards>

FOR THE CORRESPONDING SMALL BUSINESS SIZE STANDARD.

DFARS 252.225-7001, BUY AMERICAN AND BALANCE OF PAYMENTS PROGRAM,
APPLIES TO ALL QUOTES ABOVE THE MICRO-PURCHASE THRESHOLD.

ORIGIN INSPECTION REQUIRED - FAR 52.246-2 APPLIES

CONTINUED ON NEXT PAGE

SPE8EE-17-T-3039

SECTION A

Fast Pay does not apply to this solicitation

Offerors are encouraged to submit price break information with their quotes. Solicitations which are manually evaluated and awarded at increased quantities may be awarded based on the price break informationsubmitted with the offeror's original quotation without further solicitation or discussion.

If you anticipate quoting on a solicitation after the closing date, please submit a DIBBS quote with a bid type of "No Bid" and place an anticipated quote date or the reason you are not willing to quote. This does not prevent you from submitting an actual quote on DIBBS at a laterdate. It will overlay your previous no quote. This informs buyers of your intention to quote and prevents multiple calls for updates and cancelling of requirements assumed to be non-procurable due to no quotes/sources. The submission of an anticipated quote date does not preclude DLA from making an award to another acceptable timely offer.

DLA funds Procurement Technical Assistance Centers (PTACs) to increase the number of U.S. businesses capable of bidding and performing on local, state, and federal government contracts. PTACs have government contracting experts available to assist suppliers at no cost. Visit our website to find your local PTAC:

<http://www.dla.mil/HQ/SmallBusiness/PTAP.aspx>

Procurement History for NSN/FSC:014468097/4020

CAGE	Contract Number	Quantity	Unit Cost	AWD Date
00UF8	SPE8EE17V0265	35342.000	0.35900	20161212
3GHL2	SPE8E314V0757	50000.000	0.37000	20140609
3GHL2	SPE8E314V0552	70687.000	0.36000	20140414

CONTINUED ON NEXT PAGE

SPE8EE-17-T-3039

SECTION A

Procurement History for NSN/FSC:014468097/4020

CAGE	Contract Number	Quantity	Unit Cost	AWD Date
5TA54	SPE8EE14M0311	28489.000	0.37500	20140206
5TA54	SPE8EE14M0263	71680.000	0.37500	20140107
3GHL2	SPM8EE13M0243	17045.000	0.43000	20121221
3GHL2	SPM8EE13M0039	12500.000	0.44000	20121002
9J595	SPM8E012V1859	14015.000	0.57000	20120726
3GHL2	SPM8E012V1373	264.000	3.00000	20120425
3GHL2	SPM8E512V0029	11793.000	0.36295	20111014
3GHL2	SPM8EE11V0698	17653.000	0.36000	20110826
3GHL2	SPM8EH11V1283	14654.000	0.36226	20110727
3GHL2	SPM8EE11V0432	12133.000	0.36500	20110425
3GHL2	SPM8EE11V0330	11051.000	0.37000	20110218
5TA54	SPM8EE11M0191P00002	25000.000	0.39000	20101222
5SKF6	SPM8EE10V0568P00001	12481.000	0.39900	20100518
5X810	SPM8EE10V0116	18444.000	0.46000	20091027
5X810	SPM8EE09M0504	52054.000	0.51500	20090815
5X810	SPM8EE08M0886P00002	50000.000	0.83500	20080313
00UF8	SPM8EE07M0080	23119.000	1.04000	20070224

This solicitation is being issued under the First Destination Transportation (FDT) program. If this acquisition is for Foreign Military Sales (FMS) or has an APO/FPO ship-to address, FDT will not apply and normal procedures should be followed. For FDT program transportation requirements, see DLAD clauses 52.247-9059 F.O.B. Origin, Government Arranged Transportation and 52.247-9058, First Destination Transportation (FDT) Program - Shipments Originating Outside the contiguous United States (OCONUS). Additional information about FDT can be found at:
<http://www.dla.mil/LandandMaritime/Business/Selling/DLALandandMaritimeProcurementInitiatives/FDTPI.aspx>

CONTINUED ON NEXT PAGE

Continuation Sheet	Reference No. of Document Being Continued: SPE8EE-17-T-3039	Page 5 of 7
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SECTION B

PR: 0070222513
NSN/MATERIAL:4020014468097

ITEM DESCRIPTION
CORD,FIBROUS

CORD, FIBROUS
RP001: DLA PACKAGING REQUIREMENTS FOR PROCUREMENT

RA001: THIS DOCUMENT INCORPORATES TECHNICAL AND/OR QUALITY REQUIREMENTS (IDENTIFIED BY AN 'R' OR AN 'I' NUMBER) SET FORTH IN FULL TEXT IN THE DLA MASTER LIST OF TECHNICAL AND QUALITY REQUIREMENTS FOUND ON THE WEB AT: <http://www.dla.mil/HQ/Acquisition/Offers/eProcurement.aspx>. FOR SIMPLIFIED ACQUISITIONS, THE REVISION OF THE MASTER IN EFFECT ON THE SOLICITATION ISSUE DATE OR THE AWARD DATE CONTROLS. FOR LARGE ACQUISITIONS, THE REVISION OF THE MASTER IN EFFECT ON THE RFP ISSUE DATE APPLIES UNLESS A SOLICITATION AMENDMENT INCORPORATES A FOLLOW-ON REVISION, IN WHICH CASE THE AMENDMENT DATE CONTROLS.

RQ009: INSPECTION AND ACCEPTANCE AT ORIGIN

RQ011: REMOVAL OF GOVERNMENT IDENTIFICATION FROM NON-ACCEPTED SUPPLIES

(80063) US ARMY COMM & ELECTRONICS COMMAND
DRAWING APPLIES EXCEPT: USE A-A-55093 I/L/O
CANCELLED SPEC V-L-61.
CID A-A-55093 FOR TIP MOLDING PROCESS ONLY.
COLOR: BLACK
LENGTH: 47.00 INCHES PLUS/MINUS 1.00 INCH
CORD MATERIAL SHALL BE IAW MIL-B-371,
TYPE IV, CLASS 3.

SAMPLING:
THE SAMPLING METHOD SHALL BE IN ACCORDANCE WITH MIL-STD-1916 OR ASQ H1331, TABLE 1 OR A COMPARABLE ZERO BASED SAMPLING PLAN UNLESS OTHERWISE SPECIFIED BY THE CONTRACT. IF THE APPLICABLE DRAWING, SPECIFICATION, STANDARD, OR QUALITY ASSURANCE PROVISION (QAP) SPECIFIES CRITICAL, MAJOR AND/OR MINOR ATTRIBUTES, THEY SHALL BE ASSIGNED VERIFICATION LEVELS OF VII, IV AND II OR AQLS OF 0.1, 1.0 AND 4.0 RESPECTIVELY. UNSPECIFIED ATTRIBUTES SHALL BE CONSIDERED AS MAJOR UNLESS SAMPLING PLANS ARE SPECIFIED IN APPLICABLE DOCUMENTS. FOR MIL-STD-1916, THE MANUFACTURER MAY USE THE ATTRIBUTE OR VARIABLE INSPECTION METHOD AT THEIR OPTION OR PER THE CONTRACT. MIL-STD-105/ASQ Z1.4 MAY BE USED TO SET SAMPLE LOT SIZE, BUT ACCEPTANCE WOULD BE ZERO NON-CONFORMANCES IN THE SAMPLE LOT UNLESS OTHERWISE SPECIFIED IN THE CONTRACT.

THE DRAWING(S) LISTED BELOW ARE AVAILABLE AT
DLA DURING *OPEN SOLICITATION ONLY*.
TO RECEIVE A COPY OF THE DRAWING(S),
FOR EBS SOLICITATIONS USE URL

CONTINUED ON NEXT PAGE

SECTION B

HTTPS://WWW.DIBBS.BSM.DLA.MIL/RFQ/

CRITICAL ITEM - SOURCE INSPECTION REQUIRED.

QAP EQ003 APPLIES

CRITICAL APPLICATION ITEM

IAW BASIC DRAWING NR 80063 A3144306
REVISION NR F DTD 04/19/2001
PART PIECE NUMBER:

IAW REFERENCE QAP 14153 QAP-EQ003
REVISION NR A DTD 09/10/1998
PART PIECE NUMBER:

IAW REFERENCE SPEC NR MIL-B-371F
REVISION NR F DTD 05/15/1987
PART PIECE NUMBER:

IAW REFERENCE CID A-A-55093A
REVISION NR A DTD 08/09/2016
PART PIECE NUMBER:

CLIN	PR	PRLI	UI	QUANTITY	UNIT PRICE	TOTAL PRICE
0001	0070222513	0001	EA	27,464.000		

NSN/MATERIAL:4020014468097

DELIVERY (IN DAYS):0137

DELIVER FOB: ORIGIN

QTY VARIANCE: PLUS 0% MINUS 0%

INSPECTION POINT: ORIGIN

ACCEPTANCE POINT: ORIGIN

PREP FOR DELIVERY:

PKGING DATA-QUP:001

SHALL BE PACKAGED IN ACCORDANCE WITH ASTM D 3951.

Markings Paragraph

When ASTM D3951, Commercial Packaging is specified, the following apply:

- ,,All Section "D" Packaging and Marking Clauses take precedence over ASTM D3951.

- ,,In addition to requirements in MIL-STD-129, when Commercial Packaging

CONTINUED ON NEXT PAGE

SECTION B

PR: 0070222513 PRLI: 0001 CONT'D

is used, the Method of Preservation for all MIL-STD-129 marking and labeling shall be "CP" Commercial Pack.

- ,,The Unit of Issue (U/I) and Quantity per Unit Pack (QUP) as specified in the contract take precedence over QUP in ASTM D3951.

PARCEL POST ADDRESS:

W25G1U
W1A8 DLA DISTRIBUTION
DDSP NEW CUMBERLAND FACILITY
2001 NORMANDY DRIVE DOOR 113 TO 134
NEW CUMBERLAND PA 17070-5002
US

FOR TRANSPORTATION ASSISTANCE SEE DLAD 52.247-9034. FOR FIRST DESTINATION TRANSPORTATION (FDT) AWARDS SEE DLAD 52.247-9059 AND CONTRACT INSTRUCTIONS INSTEAD.

FREIGHT SHIPPING ADDRESS:

W25G1U
W1A8 DLA DISTRIBUTION
DDSP NEW CUMBERLAND FACILITY
2001 NORMANDY DRIVE DOOR 113 TO 134
NEW CUMBERLAND PA 17070-5002
US

Need Ship Date:01/06/2018
Original Required Delivery Date:01/08/2018



Tab 6



Review Quote and Submit - Step 2

Steps: 1 2 3

DIBBS Quote Input Form - Step 2

Display Date/Time: 8/21/2017 4:48:01 PM

Solicitation#:
SPE8EE17T3039Prepared By:
7B1T4Quoting For CAGE:
7B1T4Buyer Code:
PEPCEAZ

Header

- Bid Type: **Bid Without Exception**
- Vendor Quote#: **SPE8EE17T3039**
- Meets Packaging and RFID Requirements: **Yes**
- Discount Terms: **1/2% 10 Days**
- Quote Valid for **60** days
- Federal Supply Schedule (FSS) / Basic Ordering Agmt (BOA) / Blanket Purchase Agmt (BPA): **N/A**
- FOB Point: **Origin**
City: **BRISTOL** State/Province: **Pennsylvania** Country: **UNITED STATES**
- Government Inspection Point: **Origin**
Place of Inspection - Supplies CAGE: **33HK2** Place of Inspection - Packaging CAGE: **6S439**
- SPI Process Proposed: **No**

Price

· Pricing & Delivery:

NSN/PN: **4020014468097** Nomenclature: **CORD, FIBROUS**

LINE	PR	QUANTITY	UI	UNIT PRICE	DELIVERY DAYS
0001	0070222513	27464	EA	.91028	137

Total Amount: **\$24,999.93**

· Minimum Order Quantity:

Is a larger quantity obtainable at no additional total price due to a minimum order quantity?
NSN/Part#: **4020014468097** Available: **No**

· Quantity Variance:

NSN/Part#: **4020014468097** + 0 - 0

· Immediate Ship Quantity:

Is there a quantity available for immediate shipment?
NSN/Part#: **4020014468097** Available: **No**

· Price Breaks:

NSN/Part#: **4020014468097**

Range QTY Range Unit Price

Product

- NSN: **4020-01-446-8097** Nomenclature: **CORD, FIBROUS** Item Description Indicator: **D**
- Manufacturer/Dealer: **Dealer**
Actual Manufacturer CAGE: **33HK2**
- Supplies Offered:
 - **Supplies in accordance with all Specifications/Standards/Drawings cited in the solicitation item description.**
- Material Requirements:

Used, Reconditioned, Remanufactured, or New/Unused Government Surplus?
No

- Hazardous Material Identification and Material Safety Data:
Hazardous Material? **No**
- Buy American Act - Balance of Payments Program Certification:
Domestic End Products
- Duty Free Entry Requested: **No**

Vendor

- North American Industry Classification System (NAICS): **314994**
Default to these Business responses below when quoting: **No Default**
- Small Business and Other Business Type Representations: **Small Business**
 - **HUBZone Small Business**
- Affirmative Action Compliance: **Not Applicable**
- Previous Contracts and Compliance Reports: **Not Applicable**
- Alternate Disputes Resolution: **Agree**
- Certification Regarding Knowledge of Child Labor for Listed End Products: **No**

· Vendor Information:

JEQ CO LLC
2404 ARCTIC AVE #2
VIRGINIA BEACH, VA 23451-3287
US

[<< PREV](#)[SUBMIT >>](#)



Tab 7



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON, D.C. 20416

August 15, 2017

Sent Via E-mail

Georgia Webster
T and T Products, LLC
3115 Northington Court
Florence, AL 35630
ttproducts1@gmail.com

RE: HUBZone Protest for Solicitation No. SPE7M3-17-T-5860; Contract No. SPE7M3-17-P-4126

Dear Ms. Webster:

This office is in receipt of a HUBZone status protest filed by JEQ & Co., LLC (JEQ) concerning the HUBZone status of T and T Products, LLC (T&T) for the above-referenced solicitation and resulting award. **For the following reasons, I am sustaining the HUBZone protest.**

The pertinent Small Business Administration (SBA) regulations provide that: "[f]or sealed bid acquisitions... [a]n interested party must submit its protest... by close of business on the fifth business day from the date of identification of the apparent successful offeror," 13 C.F.R. § 126.801(d)(2)(ii). Any protest submitted after the time limit is untimely, unless the protest is from SBA or a contracting officer. *Id.* § 126.801(d)(4). The regulations define an interested party as "any concern that submits an offer for a specific HUBZone sole source or set-aside contract (including Multiple Award Contracts) or order,...." *Id.* § 126.103.

The Defense Logistics Agency issued Solicitation No. SPE7M3-17-T-5860 (Solicitation) as a sealed bid acquisition that was set-aside for exclusive competition among HUBZone small business concerns (SBC). The contracting officer has informed SBA that JEQ submitted a bid in response to the Solicitation. Thus, JEQ is an interested party. According to the contracting officer, JEQ received notice that T&T was the awardee on July 31, 2017. JEQ submitted its protest to the contracting officer on August, 1, 2017. Therefore, JEQ is an interested party that submitted its protest on time because it submitted the protest within five business days after notification of the awardee.

JEQ has argued that T&T does not have HUBZone certification from SBA and is therefore ineligible for award. **Based on my review of this allegation, internal SBA records, and the List of qualified HUBZone SBCs, I have determined that T&T is not a qualified HUBZone SBC. As such, T&T is not eligible for this award.**

Pursuant to the HUBZone regulations, SBA certification is the only way to qualify for HUBZone program status. Id. § 126.301. If SBA approves an application for HUBZone certification, SBA will send a written notice to the concern and automatically enter it on the List of qualified HUBZone SBCs. Id. § 126.306. A concern must appear on the List to be eligible for HUBZone contracts. Id. § 126.308. The List of qualified HUBZone SBCs is maintained on SBA's Dynamic Small Business Search (DSBS). Id. § 126.307 ("Qualified HUBZone SBCs are identified by running a search on the Dynamic Small Business Search at http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm"). Therefore, a concern that does not appear on the List of qualified HUBZone SBCs in DSBS is not eligible for HUBZone contracts.

SBA has no record of T&T applying for, or receiving certification as, a HUBZone SBC. In addition, T&T is not registered on the List of qualified HUBZone SBCs contained in DSBS. Consequently, I find that T&T is ineligible for this award. This determination will be effective immediately and is final unless overturned on appeal.

T&T, JEQ, or the contracting officer may appeal this decision pursuant to 13 C.F.R. § 126.805. All appeals must be made to the Associate Administrator for Government Contracting and Business Development (AA/GC&BD) within five (5) business days from receipt of this letter. The appeal may be sent by facsimile, express delivery service, or U.S. mail (postmarked within the applicable time period), or via hand delivery. The AA/GC&BD may be reached at the U.S. Small Business Administration, 409 3rd Street, SW, Suite 8000, Washington, DC 20416, by facsimile at: (202) 205-5206, or by e-mail at hzappeals@sba.gov. SBA will dismiss any appeal received after the five-day period. Pursuant to 13 C.F.R. § 126.805(d), the party bringing the appeal must provide a notice of the appeal to the contracting activity contracting officer and the protested concern. I have attached a copy of the appeal procedures.

Thank you for your cooperation with this matter. If you have any questions, please contact me at hzprotests@sba.gov.

Sincerely,



Mariana Pardo
Director
HUBZone Program

cc via e-mail:

Rory O'Reilly, Contracting Officer
Defense Logistics Agency
rory.oreilly@dla.mil

Jacob Queern,
JEQ & Co., LLC
jqueern@jeqandco.com



Jacob Queern

From: Jacob Queern
Sent: Tuesday, August 15, 2017 4:45 PM
To: 'HZProtests@sba.gov'; Rory.OReilly@dla.mil
Subject: RE: 36-2017 HUBZone Protest Final Decision Letter and appeal process

Miss Pardo,

I'm also curious to know whether or not having falsely represented itself harms T&T Products, LLC's ability to win future awards within the USG.

Can you help me understand whether there's any deterrence for this kind of misconduct?

As you may know, achieving a HUBZone certification is a lot of work and incurs a lot of time and costs so it doesn't seem right if offenders of misrepresentation are allowed to misrepresent themselves without penalty.

This kind of abuse is fairly common. I'm finding several solicitations each week where non-certified firms are winning awards for HUBZone set aside solicitations when JEQ&Co has submitted costs that are "fair and reasonable" based on historical awards and management data which leads me to believe that a great deal of companies are relying on contracting officers not performing due diligence with respect to the status of their HUBZone certification status.

Jacob Queern
Principal
JEQ & Co Logistics Solutions
MC #: 907263
C: (757) 633 – 1206
jqueern@jeqandco.com
Skype: jqueern
SBA Recognized Small Business
CAGE Code: 7B1T4

From: HZProtests@sba.gov [mailto:HZProtests@sba.gov]
Sent: Tuesday, August 15, 2017 3:58 PM
To: Rory.OReilly@dla.mil; Jacob Queern <Jqueern@jeqandco.com>
Cc: HZProtests@sba.gov
Subject: 36-2017 HUBZone Protest Final Decision Letter and appeal process
Importance: High

Good afternoon,

I kindly ask you to please reply via return email to confirm receipt of attached protest letter and appeal process.

DeAngela Jeffries
Administrative Support Assistant
GCBD – HUBZone Program



August 23, 2017

General Council
Government Accountability Office (GAO)
441 G St, NW
Washington, DC 20548
Attention: Procurement Law Group

Agency of Directed Protest: DLA TROOP SUPPORT
CONSTRUCTION & EQUIPMENT MANU & CON
Solicitation: SPE8EE17T3039
Award: SPE8EE17V1048

detailed statement of the legal and factual grounds of protest including copies of relevant documents:

The purpose of this e-mail is to protest the decision used to determine the awardee of this solicitation under the guidelines set forth by the Federal Acquisition Regulations (FAR) 52.219-9008, concerning

COMBINED HUBZone/SMALL BUSINESS SET-ASIDE INSTRUCTIONS - TYPE 1 (FEB 2006) - DLAD which state:

This solicitation is restricted to small business concerns and Federal Prison Industries (FPI). All small businesses are encouraged to submit quotes; however, award will be made in the following order of set-aside precedence: (1) HUBZone small business concerns (FAR 52.219-3); then, if no qualified quote is received from a HUBZone small business concern at a fair market price, (2) small business concerns (FAR 52.219-6) or FPI (FAR 52.219-6, Alternate II). The FAR clauses contained herein (except paragraph (b) of 52.219-3) apply to the solicitation. Only the FAR clause matching the awardee's Small Business Program and Type representation applies to the award.



Tab 9



JEQ & CO LLC

This solicitation was awarded to: CAGE 00UF8

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE 00UF8 is not a HUBZone Certified Concern



The screenshot shows the SBA Search Results page for CAGE 00UF8. The page displays a table with one result. The table has columns for View, Name and Trade Name of Firm, Contact, Capabilities Narrative, CAGE Code, E-mail Address, HUBZone Certification Date, and HUBZone Exit Date. The result is for CATHLEEN HETERAK, with a detailed Capabilities Narrative listing various military and aerospace equipment and services.

View	Name and Trade Name of Firm	Contact	Capabilities Narrative	CAGE Code	E-mail Address	HUBZone Certification Date	HUBZone Exit Date
View	CATHLEEN HETERAK	CATHLEEN HETERAK	1/4" 4' DIA. ROPE, CORD, BUNGEE, THIN, NARROW FABRIC, ASSEMBLIES, AERONAUTICAL - AIRCRAFT CARRIER CARGO STORAGE NETS, AIRCRAFT HOODING, TETHER, LANYARD, AEROSTAT, LINES EVACUATION ASSEMBLIES, AIRCRAFT RESCUE, CARGO INTERIOR ASSEMBLIES, SHOCK CORD, DEPRESSURIZATION EMERGENCY DOOR ASSEMBLIES, CARGO, CLIMBING, FALL PROTECTION AND BARRIER NETS, EJECTION SEAT COMPONENTS - ASSEMBLIES, ELECTRICAL LACING TAPES, EVACUATION AND RESCUE LINES, EXTENDABLE CABLE AND WIRE HARNESS SLEEVING, FAST ROPES, HELICOPTER RESCUE AND TRANSPORT SYSTEMS, HOISTING & HARNESS SLINGS, LANDING GEAR ASSEMBLIES, LANYARDS, NETS, RIGGING, STATIC & DYNAMIC FIRE RETARDANT KERMANTER ROPE, NIGHT VISION GOOGLE CODES, PARACHUTE LINES & BRAKE TAPE, PARATROOP ANCHOR CABLE, RETAINER ASSEMBLIES, SAFETY LINES & NETS, SHIPRAIL NET, SHIP COMMUNICATION SYSTEMS, USCG SHOT LINE, SUSPENSION LINE, STOWAGE DEBRIS NETS ASSEMBLIES, TRAINING COURSE NETS, TRAVELLING LINES, WIRING HARNESS ELECTRICAL LACING TAPES, AIRCRAFT CABLE	00UF8	heterak@jeqandco.com		

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE 7B1T4, JEQ&Co is a HUBZone Certified Concern



JEQ & CO LLC

SBA Search Results

Table Listing, where
the firm has CAGE code 7B1T4,
the profile's status is Active,
and randomized by original start time of search: 2017-08-03 11:28:34 AM.

Data validation took 0.01 seconds. The count and search queries took 2.97 seconds and 3.26 seconds, respectively.
Displaying profiles 1 - 1 (of 1 profiles matching criteria):

View	Name and Trade Name of Firm	CAGE Code	HUBZone Certification Date	HUBZone Exit Date	Contact	Capabilities Narrative	E-mail Address	WWW Page URL
	JEQ & Co LLC	7B1T4	01/12/2017		David E. Queern	JEQ & Co LLC is a full service shipping company that helps businesses and government agencies move freight domestically and internationally.	dqueern@jegandco.com	

No more matches
Refine Search

Save E-mail Addresses for All
delimited by:
☒ semi-colon and space
☐ comma and space

JEQ&Co's costs were fair and reasonable according to prior awards of this NSN as follows:

Procurement History for NSN/FSC:014468097/4020

CAGE	Contract Number	Quantity	Unit Cost	AWD Date
5TA54	SPE8EE14M0311	28489.000	0.37500	20140206
5TA54	SPE8EE14M0263	71680.000	0.37500	20140107
3GHL2	SPM8EE13M0243	17045.000	0.43000	20121221
3GHL2	SPM8EE13M0039	12500.000	0.44000	20121002
9J595	SPM8E012V1859	14015.000	0.57000	20120726
3GHL2	SPM8E012V1373	264.000	3.00000	20120425
3GHL2	SPM8E512V0029	11793.000	0.36295	20111014
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3GHL2	SPM8EH11V1283	14654.000	0.36226	20110727
3GHL2	SPM8EE11V0432	12133.000	0.36500	20110425
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5TA54	SPM8EE11M0191P00002	25000.000	0.39000	20101222
5SKF6	SPM8EE10V0568P00001	12481.000	0.39900	20100518
5X810	SPM8EE10V0116	18444.000	0.46000	20091027
5X810	SPM8EE09M0504	52054.000	0.51500	20090815
5X810	SPM8EE08M0886P00002	50000.000	0.83500	20080313
00UF8	SPM8EE07M0080	23119.000	1.04000	20070224



Link to award information can be found as follows:

<https://www.dibbs.bsm.dla.mil/RFQ/RfqRec.aspx?sn=SPE8EE17T3039>

Information establishing that the protester is an interested party for the purpose of filing a protest: As evidenced by attached "Quote in DIBBs"

Information establishing the timeliness of the protest: As evidenced by attached solicitation's expiration date and attached date of award

As evidenced by the information provided above and attached, JEQ&Co LLC formally and officially requests a ruling by the Comptroller of the United States

Form of relief requested:

Award of solicitation SPE8EE17V1048 be made to JEQ&Co LLC or monetary equivalent to the bid JEQ&Co placed on the solicitation be paid to JEQ&Co. According to

<https://www.gao.gov/legal/bid-protest-regulations/about>

(d) If GAO determines that a solicitation, proposed award, or award does not comply with statute or regulation, it may recommend that the agency pay the protester the costs of: (2) Bid and proposal preparation

f)(1) If GAO recommends that the agency pay the protester the costs of filing and pursuing the protest and/or of bid or proposal preparation, the protester and the agency shall attempt to reach agreement on the amount of costs. The protester shall file its claim for costs, detailing and certifying the time expended and costs incurred, with the agency within



60 days after receipt of GAO's recommendation that the agency pay the protester its costs. Failure to file the claim within that time may result in forfeiture of the protester's right to recover its costs.

Summary:

In considering JEQ&Co LLC's protest as specified above, when considering form of relief, JEQ&Co LLC would ask that the GAO Procurement Law Group consider the attached correspondence from JEQ&Co LLC titled "consequences misrepresentation" to the Director, HUBZone Program, Small Business Administration; Mariana Pardo after JEQ&Co LLC won a protest of Solicitation No. SPE7M317T5860: Contract No. SPE7M317P4126 (attached as 36-2017 Decision Letter-Sustained) whereby JEQ&Co LLC humbly asked Ms. Pardo whether or not having falsely represented itself harms T&T Products ability to win future awards within the USG and further points out the frequency with which JEQ&Co LLC finds non-certified HUBZone firms winning awards for HUBZone set aside solicitations when the costs submitted by JEQ&Co LLC into DIBBs were "Fair and Reasonable" based on historical awards. It should be noted that JEQ&CO LLC never received an answer to that question. The reason that question is important is – especially considering the frequency with which awards are made to firms that are not HUBZone Certified firms are winning contracts set aside for HUBZone Certified concerns – regardless of whether the firm that misrepresents itself as a HUBZone Certified concern is damaged by their misrepresentation, JEQ&Co LLC is damaged by having done all the work associated with gathering costs for a solicitation, entering a bid for the solicitation, and then never receiving the award that by all rights should have been made to JEQ&Co LLC or at least another HUBZone Certified concern. Moreover, JEQ&Co incurs costs, time, and legal fees by having to file these detailed protests and – as it stands currently – the result of these protests has **not** been to award the contract to a HUBZone Certified concern but rather just to revoke the contract from the



awardee which does nothing for the HUBZone Certified Concern that rightly should have been awarded the contract and for all that is known does nothing to deter the concerns that misrepresent themselves as HUBZone Certified from engaging in the same duplicitous behavior.

JEQ&Co LLC Sincerely thanks the GAO Procurement Law Group for its consideration where this matter is concerned.

Jacob Queern
Principal
JEQ & Co Logistics Services
(757)633-1206
jqueern@jeqandco.com





Tab 10

Jacob Queern

To: 'DLA-TS-FCEA.Inquiry@dla.mil'; 'elizabeth.paullin@dla.mil'; 'michael.nicolardi@dla.mil'
Cc: 'hubzone@sba.gov'; 'HZProtests@sba.gov'
Subject: L06 Protest award SPE8EE17V1048 solicitation SPE8EE17T3039
Attachments: SPE8EE17V1048 awarded to 00UF8.PDF; SPE8EE17T3039.PDF; Quote in dibbs.pdf

Dear Ms. Paulin; Mr. Nicolardo;

Please find [attached solicitation](#) and [award notice](#)

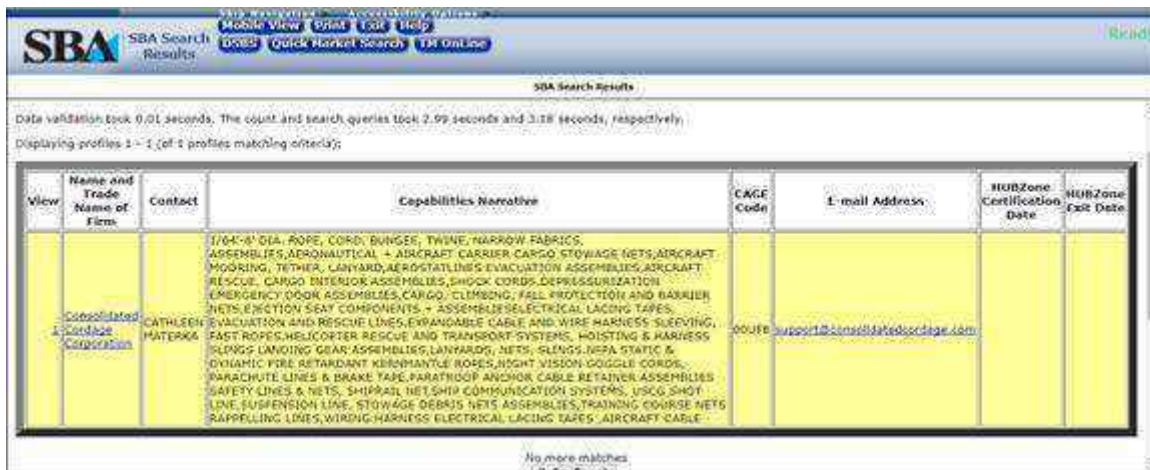
The purpose of this e-mail is to protest the decision used to determine the awardee of this solicitation under the guidelines set forth by the Federal Acquisition Regulations (FAR) 52.219-9008, concerning

COMBINED HUBZone/SMALL BUSINESS SET-ASIDE INSTRUCTIONS - TYPE 1 (FEB 2006) - DLAD which state:

This solicitation is restricted to small business concerns and Federal Prison Industries (FPI). All small businesses are encouraged to submit quotes; however, award will be made in the following order of set-aside precedence: (1) HUBZone small business concerns (FAR 52.219-3); then, if no qualified quote is received from a HUBZone small business concern at a fair market price, (2) small business concerns (FAR 52.219-6) or FPI (FAR 52.219-6, Alternate II). The FAR clauses contained herein (except paragraph (b) of 52.219-3) apply to the solicitation. Only the FAR clause matching the awardee's Small Business Program and Type representation applies to the award.

This solicitation was awarded to: CAGE [00UF8](#)

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE [00UF8](#) is not a HUBZone Certified Concern



View	Name and Trade Name of Firm	Contact	Capabilities Narrative	CAGE Code	E-mail Address	HUBZone Certification Date	HUBZone Exit Date
	Consolidated & Gatzert Corporation	CATHLEEN MATERKA	1/04'-8' DIA. ROPE, CORD, BUNGEE, TWINE, NARROW FABRICS, ASSEMBLIES, AERONAUTICAL + AIRCRAFT CARRIER, CARGO STOWAGE NETS, AIRCRAFT MOORING, TETHER, LANYARD, AEROSTAT LINES, EVACUATION ASSEMBLIES, AIRCRAFT RESCUE, CARGO INTERIOR ASSEMBLIES, SHOCK CORDS, DEPRESSURIZATION, EMERGENCY O2/GW ASSEMBLIES, CARGO, CLIMBING, FALL PROTECTION AND BARRIER NETS, EJECTION SEAT COMPONENTS + ASSEMBLIES, ELECTRICAL LACING TAPES, EVACUATION AND RESCUE LINES, EXPANDABLE CABLE AND WIRE HARNESS SUEVING, FAST ROPES, HELICOPTER RESCUE AND TRANSPORT SYSTEMS, HOISTING & HARNESS SLINGS, LANDING GEAR ASSEMBLIES, LANYARDS, NETS, SLINGS, NEPA STATIC & DYNAMIC FIRE RETARDANT KIBROMANTLE ROPES, NIGHT VISION GOGGLE CORDS, PARACHUTE LINES & BRAKE TAPE, PARATROOP ANCHOR CABLE RETAINER ASSEMBLIES, SAFETY LINES & NETS, SHIPBOARD NET SHIP COMMUNICATION SYSTEMS, USCG SHOT LINE SUSPENSION LINE, STOWAGE DEBRIS NETS ASSEMBLIES, TRAINING COURSE NETS, RAPPPELLING LINES, WIRING HARNESS, ELECTRICAL LACING TAPES, AIRCRAFT CABLE	00UF8	support@consolidatedsgatzert.com		

No more matches

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE 7B1T4, JEQ&Co is a HUBZone Certified Concern

SBA Search Results

Table Listing, where
the firm has CAGE code 78174;
the profile's status is Active;
and randomized by original start time of search: 2017-08-01 11:28:24 AM.

Date validation took 0.01 seconds. The count and search queries took 2.87 seconds and 3.20 seconds, respectively.

Displaying profiles 1 - 1 (of 1 profiles matching criteria):

View	Name and Trade Name of Firm	CAGE Code	HUBZone Certification Date	HUBZone Exit Date	Contact	Capabilities Narrative	E-mail Address	WWW Page URL
1	JEQ & Co LLC	78174	01/12/2017		Jacob E. Queern	JEQ & Co LLC is a full service shipping company that helps businesses and government agencies move freight domestically and internationally.	jqueern@jeqandco.com	

No more matches
Refine Search

Save E-mail Addresses for AS
delimited by:
* semi-colon and space
* comma and space

JEQ&Co's costs were fair and reasonable according to prior awards of this NSN as follows:

Procurement History for NSN/FSC:014468097/4020

CAGE	Contract Number	Quantity	Unit Cost	AWD Date
5TA54	SPE8EE14M0311	28489.000	0.37500	20140206
5TA54	SPE8EE14M0263	71680.000	0.37500	20140107
3GHL2	SPM8EE13M0243	17045.000	0.43000	20121221
3GHL2	SPM8EE13M0039	12500.000	0.44000	20121002
9J595	SPM8E012V1859	14015.000	0.57000	20120726
3GHL2	SPM8E012V1373	264.000	3.00000	20120425
3GHL2	SPM8E512V0029	11793.000	0.36295	20111014
3GHL2	SPM8EE11V0698	17653.000	0.36000	20110826
3GHL2	SPM8EH11V1283	14654.000	0.36226	20110727
3GHL2	SPM8EE11V0432	12133.000	0.36500	20110425
3GHL2	SPM8EE11V0330	11051.000	0.37000	20110218
5TA54	SPM8EE11M0191P00002	25000.000	0.39000	20101222
5SKF6	SPM8EE10V0568P00001	12481.000	0.39900	20100518
5X810	SPM8EE10V0116	18444.000	0.46000	20091027
5X810	SPM8EE09M0504	52054.000	0.51500	20090815
5X810	SPM8EE08M0886P00002	50000.000	0.83500	20080313
00UF8	SPM8EE07M0080	23119.000	1.04000	20070224

Link to award information can be found as follows:

<https://www.dibbs.bsm.dla.mil/Rfq/RfqRec.aspx?sn=SPE8EE17T3039>

Please let me know if anything else from JEQ&Co is needed in order to formally lodge our protest

Thank you for your consideration and I look forward to your reply. Please advise if a "stop work" order is issued. Please send your reply by e-mail.

Please keep my colleagues in copy in your response

Jacob Queern
Principal

JEQ & Co Logistics Solutions
MC #: 907263
C: (757) 633 – 1206
jqueern@jegandco.com
Skype: jqueern
SBA Recognized Small Business
CAGE Code: 7B1T4

From: Jacob Queern
Sent: Tuesday, August 1, 2017 7:27 AM
To: kimberly.wilson@dla.mil; Rory.OReilly@dla.mil
Cc: Trevor.horn@dla.mil; David Pryor <dpryor@jegandco.com>; Daniel Humphrey <dhumphrey@jegandco.com>
Subject: Protest award SPE7M3-17-P-4126 solicitation SPE7M3-17-T-5860

Rory,

You awarded a HUBZone set aside solicitation to a company that doesn't have a HUBZone certification

Please confirm receipt and consider this protested

Jacob Queern
Principal
JEQ &Co LLC
757.633.1206
[Jqueern@jegandco.com](mailto:jqueern@jegandco.com)



Tab 11

Jacob Queern

From: Jacob Queern
Sent: Thursday, August 24, 2017 5:31 PM
To: DLA-TS-FCEA.Inquiry@dla.mil; elizabeth.paullin@dla.mil; michael.nicolardi@dla.mil
Cc: 'hubzone@sba.gov'; HZProtests@sba.gov
Subject: L06 Protest award SPE8EE17V1048 solicitation SPE8EE17T3039
Attachments: SPE8EE17V1048 awarded to 00UF8.PDF; SPE8EE17T3039.PDF; Quote in dlbs.pdf

Tracking:	Recipient	Delivery	Read
	DLA-TS-FCEA.Inquiry@dla.mil		
	elizabeth.paullin@dla.mil		
	michael.nicolardi@dla.mil		
	'hubzone@sba.gov'		
	HZProtests@sba.gov		
	Jacob Queern	Delivered: 8/24/2017 5:31 PM	Read: 8/24/2017 8:22 PM
	David Pryor	Delivered: 8/26/2017 3:32 PM	Read: 8/27/2017 4:21 PM

Dear Ms. Paulin; Mr. Nicolardo;

Please find attached solicitation and award notice

The purpose of this e-mail is to protest the decision used to determine the awardee of this solicitation under the guidelines set forth by the Federal Acquisition Regulations (FAR) 52.219-9008, concerning

COMBINED HUBZone/SMALL BUSINESS SET-ASIDE INSTRUCTIONS - TYPE 1 (FEB 2006) - DLAD which state:


This solicitation is restricted to small business concerns and Federal Prison Industries (FPI). All small businesses are encouraged to submit quotes; however, award will be made in the following order of set-aside precedence: (1) HUBZone small business concerns (FAR 52.219-3); then, if no qualified quote is received from a HUBZone small business concern at a fair market price, (2) small business concerns (FAR 52.219-6) or FPI (FAR 52.219-6, Alternate I). The FAR clauses contained herein (except paragraph (b) of 52.219-3) apply to the solicitation. Only the FAR clause matching the awardee's Small Business Program and Type representation applies to the award.

This solicitation was awarded to: CAGE 00UF8

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE 00UF8 is not a HUBZone Certified Concern

[illegible]

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE 7B1T4, JEQ&Co is a HUBZone Certified Concern



SBA Search Results

Address: 1000 S. Main St. Suite 100
 Phone: (714) 944-1111
 Email: info@sba.com

Table Listing, where the firm has CAGE Code 79174

The profile's status is Active!
 and randomised by original start time of search: 2017-08-01 11:28:24 AM

data validation took 0.02 seconds. The count and search queries took 2.97 seconds and 3.20 seconds, respectively.

Displaying profiles 1 - 1 of 1 profile matching criteria:

View	Name and Trade Name of firm	CAGE Code	HUBZone Certification Date	HUBZone Exit Date	Contact	Capabilities Narrative	E-mail Address	WWW Page URL
1	J. B. & C. LLC	79174	04/12/2017		David E. Squern	J. B. & C. LLC is a full service shipping company that helps businesses and government agencies move freight domestically and internationally.	David.E.Squern@jbc.com	

No more matches

[Random Search](#)

Save E-mail Addresses for PDF

Selected by: + save column and open

JEQ&Co's costs were fair and reasonable according to prior awards of this NSN as follows:

Procurement History for NSN/FSC:014468097/

CAGE	Contract Number	Quantity	Unit
5TA54	SPE8EE14M0311	28489.000	
5TA54	SPE8EE14M0263	71680.000	
3GHL2	SPM8EE13M0243	17045.000	
3GHL2	SPM8EE13M0039	12500.000	
9J595	SPM8E012V1859	14015.000	
3GHL2	SPM8E012V1373	264.000	
3GHL2	SPM8E512V0029	11793.000	
3GHL2	SPM8EE11V0698	17653.000	
3GHL2	SPM8EH11V1283	14654.000	
3GHL2	SPM8EE11V0432	12133.000	

Link to award information can be found as follows:

<https://www.dibbs.bsm.dla.mil/RFQ/RfqRec.aspx?sn=SPE8EE17T3039>

Please let me know if anything else from JEQ&Co is needed in order to formally lodge our protest

Thank you for your consideration and I look forward to your reply. Please advise if a “stop work” order is issued. Please send your reply by e-mail.

Please keep my colleagues in copy in your response

Jacob Queern
Principal
JEQ & Co Logistics Solutions
MC #: 907263
C: (757) 633 – 1206
jqueern@jeqandco.com
Skype: jqueern
SBA Recognized Small Business

CAGE Code: 7B1T4

From: Jacob Queern
Sent: Tuesday, August 1, 2017 7:27 AM
To: kimberly.wilson@dla.mil; Rory.OReilly@dla.mil
Cc: Trevor.horn@dla.mil; David Pryor <dpryor@jegandco.com>; Daniel Humphrey <dhumphrey@jegandco.com>
Subject: Protest award SPE7M3-17-P-4126 solicitation SPE7M3-17-T-5860

Rory,

You awarded a HUBZone set aside solicitation to a company that doesn't have a HUBZone certification

Please confirm receipt and consider this protested

Jacob Queern
Principal
JEQ &Co LLC
757.633.1206
jqueern@jegandco.com



Tab 12

Jacob Queern

From: Kang, Jonathan <KangJ@gao.gov>
Sent: Tuesday, August 29, 2017 10:08 AM
To: Jacob Queern; 'bid.protest@dla.mil'
Cc: Protests
Subject: B-415142, JEQ & Company Logistics Solutions--
Acknowledgement of Protest
Attachments: B-415142_1
_JEQ & COMPANY LOGISTICS SOLUTIONS_ACK_CONF_PAC
KAGE_WITHOUT_PROTECTIVE_ORDER.pdf

Attached is our notice acknowledging the protest. **Please respond to this message to confirm receipt.**

Please also note the following item:

1. Notwithstanding the references to use of facsimiles in the acknowledgement document, the parties should use email as the primary means of written communication. Emails should be submitted to protests@gao.gov with a copy to me at kangj@gao.gov.

Jonathan L. Kang
Senior Attorney
US Government Accountability Office
441 G Street, NW
Washington, DC 20548
Tel 202.512.3315
Fax 202.512.9749



Tab 13



August 29, 2017

Jacob Queern
JEQ & Company Logistics Solutions

Andreea Antonesei
Defense Logistics Agency

File:	B-415142	
Protester:	JEQ & Company Logistics Solutions	
Agency:	Defense Logistics Agency	
Solicitation No.:	SPE8EE-17-T-3039	
Report Due:	09/25/2017	Decision Due: 12/04/2017
GAO Attorney:	Jonathan L. Kang	Phone: 202-512-3315
Official Fax:	202-512-9749	Case Status: 202-512-5436

ACKNOWLEDGMENT OF PROTEST

We have received your protest concerning the referenced procurement. **The contracting agency is required to file a report in response to the protest by the Report Due date indicated above.** Under our Bid Protest Regulations, 4 C.F.R. § 21.3(i), you are required to submit written comments in response to the report. Written comments must **be received in our Office within 10 calendar days** of your receipt of the report--otherwise, we will dismiss your protest. For purposes of determining when your response to the agency report must be submitted, we will assume that you received the report by the Report Due date unless you notify us otherwise at that time.

Also, the agency has been advised that if you have filed a request for specific documents, the agency should provide to all parties and GAO, at least 5 days prior to the Report Due date, a list of those documents, or portions of documents, that the agency has released to the protester or intends to produce in the report, and of the documents that the agency intends to withhold and the reasons for the proposed withholding. You are requested to object to the scope of the agency's proposed disclosure or nondisclosure with GAO and the other parties within 2 days of receipt of the list.

Bid protests, and subsequent associated filings, may be filed using the following methods. Our Office hours are 8:30 a.m. until 5:30 p.m. eastern time, Monday through Friday.

- **Facsimile:** When filing with our Office, parties should rely on the use of facsimiles as much as possible. Facsimile transmitted documents are considered filed upon receipt of the entire text of the filing. Correspondence received, and transmissions completed, after our Office hours will be considered filed on the next business day. When filing a document by facsimile, it is not necessary to file a duplicate original. If a duplicate original is provided, please indicate on the face of the duplicate original that it previously has been telecopied. Please refrain from sending voluminous transmissions or lengthy exhibits. These exhibits should be hand delivered, or sent by mail or commercial carrier (e.g., UPS or FedEx).
- **E-mail:** Protest filings may be submitted to protests@gao.gov (see the Legal Products section of our web site, www.gao.gov, for more information).
- **Hand Delivery:** ***Please note the following changes for hand-deliveries.***

Effective March 3, 2008, the filing window at GAO's Headquarters Building will no longer accept deliveries. All packages must be delivered to GAO's new mail center located on the 4th street side of the GAO building. Anyone attempting to pick up or deliver packages will need to walk up to the door and ring the door bell in order to be let in to the Courier Reception Desk.

The new GAO mail center will accept deliveries for GAO's Bid Protest forum from 7:30 am to 5:30 pm. Packages **MUST** have one of the following labels:

"Procurement Law Control Group,"
"Bid Protest,"
"PLCG,"
"Name of GAO attorney," or
"Contract Appeals Board"

Packages will be scanned and may be opened and searched. After inspection, packages will be time/date stamped. Senders must leave enough time for timely delivery. Please, be advised that it may take some time for packages to be processed. Timeliness will be measured by the time/date-stamp. GAO employees **will not** meet couriers outside of the GAO building to accept packages. The window closes promptly at 5:30 p.m.; packages cannot be left after that time.

- **Regular Mail or Commercial Carrier (e.g., UPS or FedEx):** Documents transmitted using these methods are considered filed when time/date-stamped at GAO. Regular mail should not be used for time-sensitive filings.

GAO bid protest decisions not subject to protective orders are distributed via the GAO Worldwide Web Internet site (www.gao.gov), and in most cases are available within 1 business day of the decision date. We will provide you or your representative e-mail notice of the availability of the decision on this protest upon issuance if you furnish us the e-mail address.

Please refer to our file number in all future correspondence regarding the protest.

--For the Managing Associate General Counsel



August 29, 2017

Jacob Queern
JEQ & Company Logistics Solutions

Andreea Antonesei
Defense Logistics Agency

File:	B-415142	
Protester:	JEQ & Company Logistics Solutions	
Agency:	Defense Logistics Agency	
Solicitation No.:	SPE8EE-17-T-3039	
Report Due:	09/25/2017	Decision Due: 12/04/2017
GAO Attorney:	Jonathan L. Kang	Phone: 202-512-3315
Official Fax:	202-512-9749	Case Status: 202-512-5436

CONFIRMATION OF REPORT REQUIREMENT

This confirms our telephonic notice of the protest and report due date indicated above. Please advise us immediately of the individual(s) that will be representing the agency in the protest, including name, address (and Internet e-mail address, if any), and the telephone and fax numbers.

You should notify all intervenors that this protest has been filed and to communicate directly with us in connection with the protest. Copies of the report must be furnished to the protester and all intervenors not later than the date indicated above. Please advise the protester of its obligation to submit comments or request a decision on the existing record within **10 days of its receipt of the agency report.** Please also **advise all parties of their right to submit comments on the report to GAO within 10 days of its receipt.** You should refer to our file number and the GAO attorney assigned in all future correspondence regarding the protest. **Any request for dismissal should be filed as soon as practicable after receipt of this notice if the agency seeks resolution of the request by our Office prior to the stated report due date.**

For your convenience, following is a list of the type of information to be included in your agency report:

--the contracting officer's statement of the relevant facts;

--a best estimate of the contract value;

--whether a statutory stay or suspension of performance is in place;

--a memorandum of law;

--a copy of all relevant documents, or portions of documents, not previously produced, including, as appropriate, any agency-level protest and decision, the bid or proposal submitted by the protester, the bid or proposal of the firm being considered for award or whose bid or proposal is being protested, all evaluation documents, the solicitation (with specifications), and the abstract of bids or offers; and

--an index identifying the contents of the report and the location of each document or enclosure. Where portions of the report have been redacted for any party (or where the agency has omitted certain documents from a party's report), please indicate which redactions or omissions apply to each party. Agency reports must be organized through the use of pagination, tabs, and binders, as appropriate.

If the protester has filed a request for specific documents, please provide to all parties and GAO, at least 5 days prior to the report due date, a list of those documents, or portions of documents, that you have released to the protester or intend to produce in your report, and of the documents you intend to withhold and the reasons for the withholding.

GAO bid protest decisions not subject to protective orders are distributed via the GAO Worldwide Web Internet site (www.gao.gov), and in most cases are available within 1 business day of the decision date. We will provide you or your representative e-mail notice of the availability of the decision on this protest upon issuance if you furnish us the e-mail address.

--For the Managing Associate General Counsel



Tab 14

Jacob Queern

From: Franchetti, Nicole M CIV (US) <nicole.franchetti@dla.mil>
Sent: Thursday, September 7, 2017 10:36 AM
To: Jacob Queern
Cc: DLA Bid Protest; protests@gao.gov
Subject: B-415142 - Protest by JEQ & Co - Solicitation No. SPE8EE17T3039 - Request for Dismissal
Attachments: ENCLOSURE 1 - Solicitation No. SPE8EE17T3039.pdf; ENCLOSURE 2 - Master Solicitation for Automated Simplified Acquisitions Rev-38_May-26-2017.pdf; ENCLOSURE 6 - JEQ (7B1T4) Quote.pdf; ENCLOSURE 7 - Purchase Order No. SPE8EE17V1048.pdf; B-415142_JEQ Protest_Request for Dismissal_Redacted.pdf

Mr. Queern,

Please see the attached redacted Request for Dismissal and enclosures that are suitable for release. An unredacted version of the Request for Dismissal and complete set of enclosures was filed with the GAO this morning.

Regards,

Nicole

Nicole M. Franchetti
Senior Counsel, Construction & Equipment DLA Counsel - Troop Support
PHONE: (215) 737-2647/DSN 444-2647
FAX: (215) 737-5913/DSN 444-5913

CAUTION: This communication may contain material protected by the attorney-client, attorney work-product, deliberative process, or other privilege. It is not to be released outside of the office of the intended recipient(s) without the written consent of the Office of Counsel.



Tab 15

UNITED STATES GOVERNMENT ACCOUNTABILITY OFFICE

Protest of:
JEQ & CO. Logistics Solutions
Under Solicitation No.
SPE8EE-17-T-3039

B- 415142

MOTION TO DISMISS

Pursuant to 4 C.F.R. § 21.3(b), Defense Logistics Agency – Troop Support (“DLA Troop Support” or “the Agency”) hereby moves for summary dismissal of the protest filed by JEQ & CO. Logistics Solutions (“JEQ”) with the United States Government Accountability Office (“GAO”) on August 24, 2017. JEQ protests the award to Consolidated Cordage Corporation (“CCC”) on the grounds that CCC is not a certified HUBZone small business concern (“SBC”) and thus is not eligible for award.¹ JEQ’s protest should be dismissed as factually and legally insufficient in accordance with 4 C.F.R. § 21.5(f), as CCC did not receive the award on the basis of it being a certified HUBZone SBC. Moreover, JEQ is not an interested party pursuant to 4 C.F.R. §21.0(a)(1), and therefore lacks standing to challenge this award in accordance with 4 C.F.R. §21.1(a).

¹ JEQ also filed this protest with the U.S. Small Business Administration (“SBA”) and the SBA has requested the file from the Agency. Ordinarily, SBA issues such as challenges of a firm’s status are not considered by GAO pursuant to 4 C.F.R. § 21.5(b). However, as explained more fully below, CCC did not represent itself as a HUBZone SBC and award was not made to CCC on the basis of it being a HUBZone SBC. The Agency is coordinating with SBA regarding how it plans to resolve this protest.

STATEMENT OF FACTS

1. DLA Troop Support is a field activity of the Defense Logistics Agency. It supplies food, clothing, medicine, medical supplies and equipment, construction supplies and equipment, and supply related services to the U.S. military worldwide.
2. On August 09, 2017, DLA Troop Support issued Solicitation No. SPE8EE-17-T-3039 (the "solicitation") for a quantity of 27,646 each of Fibrous Cord, NSN 4020014468097. (Encl. 1, Solicitation No. SPE8EE-17-T-3039). This solicitation was issued pursuant to the terms and conditions set forth in the DLA Master Solicitation for Automated Simplified Acquisitions utilizing the Agency's electronic system for soliciting requirements valued up to the Simplified Acquisition Threshold. (Encl. 1 at 1; Encl. 2, Defense Logistics Agency (DLA) Master Solicitation for Automated Simplified Acquisitions, Revision 38 (May 26, 2017)).
3. The DLA Master Solicitation for Automated Simplified Acquisitions states that the "automated evaluation program evaluates all qualified quotations on the basis of price alone..." (Encl. 2 at 3, "Automated Evaluation Factors").
4. The solicitation incorporated Defense Logistics Agency Acquisition Directive ("DLAD") 52.219-9008, Combined HUBZone/Small Business Set-Aside Instructions. (Encl. 1 at 2).
5. DLAD 52.219-9008 states, in pertinent part, that:

This solicitation is restricted to small business concerns. All small businesses are encouraged to submit quotes; however, award will be made in the following order of set-aside precedence: (1) HUBZone small business concerns (FAR 52.219-3); then, if no qualified quote is received from a *HUBZone at a fair market price*, (2) small business concerns (FAR 52.219-6). (*Emphasis added*)
6. [REDACTED] quotes were received in response to the solicitation. (Encl. 3, Abstract of Quotes).

CCC (CAGE 00UF8) quoted [REDACTED] price of \$9,557.47. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] JEQ (CAGE 7B1T4) quoted [REDACTED] price of \$24,999.93.

7. CCC quoted as a small business, but did not represent itself as a HUBZone SBC. (Encl. 4 at 2, CCC's Quote). [REDACTED]

8. The award was processed by the automated system³ and issued to CCC on August 22, 2017, as CCC was the [REDACTED] quoter that passed the automated evaluation pricing analysis. (Encl. 3 at 1; Encl. 7, Purchase Order No. SPE8EE-17-V-1048).

9. Pursuant to the terms of DLAD 52.219-9008, the award was not made to a HUBZone SBC as the lowest priced quote received from a HUBZone SBC was more than double the price received from the [REDACTED] non-HUBZone small business and was also much higher than prices paid for previous acquisitions⁴ for similar quantities. (Encl. 3)

LEGAL ARGUMENT

A. JEQ's Protest Fails to Set Forth Facts that Demonstrate a Violation of Law or Regulation

JEQ alleges that CCC was not eligible for the subject award because it is not a certified HUBZone SBC. For purposes of legal sufficiency, JEQ's protest assumes that CCC misrepresented itself as a HUBZone SBC. JEQ's protest ignores the fact that the set-aside provision included in the solicitation did not require the Agency to make an award to a HUBZone

³ The words "Full Auto" in the box in the top left-hand corner of the abstract indicate that the award was processed by the automated system.


⁴ The Procurement history showing previous purchases made for this item since 2007 is listed on pages 2-3 on the abstract.

SBC and that non-HUBZone small businesses were also eligible. The GAO Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds for the protest, and that the grounds be legally sufficient. 4 C.F.R. § 21.1(c)(4) and (f). This requirement contemplates that protesters will provide, at a minimum, either allegations or evidence sufficient, if un-contradicted, to establish the likelihood of improper agency action. BNL, Inc., B-409450.3, May 1, 2014, 2014 CPD P138 at 9. Unsupported assertions that are mere speculation on the part of the protester do not provide a valid basis for protest. Id.; See, e.g., View One, Inc., B-400346, July 30, 2008, 2008 CPD P 142 at 3 (dismissing protest as legally insufficient where protester provided only bare allegations that award to another firm was improper based on the protester's argument that it submitted a quality proposal at a competitive price).

Here the awardee, CCC, did not misrepresent itself as a HUBZone SBC. Rather, CCC won the award under the terms of the set-aside provision set forth in the solicitation, DLAD 52.219-9008, which permitted the Agency to make an award to a non-HUBZone small business if prices quoted by HUBZone SBCs were not fair market prices. The record shows that the prices received from HUBZone SBCs, including JEQ, were more than double the price received from CCC and also did not compare favorably to procurement history. As such, the Agency properly awarded the purchase order to CCC. Accordingly, JEQ's argument that CCC was ineligible based on it not being a HUBZone SBC is factually and legally insufficient and should be dismissed.

B. JEQ Would Not Otherwise Have Been In Line for Award

Even if award to CCC were improper because it is not a HUBZone SBC, JEQ would not otherwise have been in line for award on this solicitation. Under GAO's bid protest regulations, only interested parties may protest procurement actions by Federal agencies. 4 C.F.R. § 21.1(a). That is, a protestor must be "an actual or prospective bidder or offeror whose direct economic

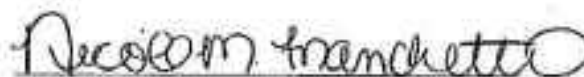


interest would be affected by the award of a contract or by the failure to award a contract." 4 C.F.R. § 21.0(a)(1). "Where a firm would not be in line for award in the event its protest is sustained, that firm lacks the direct economic interest necessary to maintain a protest." Matter of: Asset Mgmt. Real Estate, LLC, B-407214.5 -16, 2014 CPD P57 (Jan. 24, 2014). Here, even if the Agency had made the award to a HUBZone SBC, JEQ would not have received the award because its quote was not the lowest received from a HUBZone SBC. Since the automated award was based solely on price, the award would have been made to [REDACTED], which was the lowest priced HUBZone SBC quoter. For each of the foregoing reasons, JEQ's protest should be dismissed.

CONCLUSION

JEQ's protest alleging that CCC should not have received the award because it is not a certified HUBZone SBC is factually and legally insufficient because CCC did not represent itself as a HUBZone SBC and the Agency was not required to make an award to a HUBZone SBC. Moreover, based upon the quotes received, it is evident that JEQ would not be in line for award even if the Agency had made an award to a HUBZone SBC. Thus, JEQ's protest should be dismissed.

Respectfully submitted,



Nicole M. Franchetti, Esq.
Senior Counsel
DLA Counsel – Troop Support

[REDACTED]

List of Enclosures

* Denotes Protected Material as such documents constitute source selection information or procurement sensitive information which would give a party an unfair competitive advantage.

1. Solicitation No. SPE8EE-17-T-3039
2. Defense Logistics Agency (DLA) Master Solicitation for Automated Simplified Acquisitions, Revision 38 (May 26, 2017)
3. *Abstract of Quotations
4. *Quote Submitted by CCC
5. [REDACTED]
6. Quote Submitted by JEQ
7. Purchase Order No. SPE8EE-17-V-1048

[REDACTED]



Tab 16

Jacob Queern

From: Bobo, Davida M. <davida.bobo@sba.gov>
Sent: Wednesday, August 1, 2018 1:36 PM
To: Jacob Queern
Cc: Bobo, Davida M.
Subject: Response to FOIA Request SBA-2018-000899
Attachments: 36-2017.pdf; 43-2017.pdf

Importance: High

Good afternoon Mr. Queern,

This email is in response to your Freedom of Information Act ("FOIA") request for HUBZone Status Protests that were initiated by JEQ& Co LLC and forwarded to D/HUB between June 14, 2017, and June 14, 2018.

If you think this reply is unsatisfactory, you have the right to appeal this decision to the Chief, Freedom of Information/Privacy Acts Office, U.S. Small Business Administration, 409 3rd Street, S.W., Washington, DC 20416. You must submit a written, signed appeal within 60 calendar days of the date of the notice of denial. Your appeal should contain a description of the information denied, the name and title of the SBA employee who denied the request, the reason for the denial, and other pertinent facts you deem appropriate.

Sincerely,

Davida Bobo
Administrative Officer, HUBZone Program
Government Contracting and Business Development
U.S. Small Business Administration
(202) 205-7124
davida.bobo@sba.gov



U.S. Small Business
Administration

[Home Page](#) | [Twitter](#) | [Instagram](#) | [Facebook](#) | [YouTube](#) | [LinkedIn](#) | [Email Alerts](#)



Tab 17

From: [Hubzone Helpdesk](#)
To: HZProtests@sba.gov
Subject: 36-2017 HUBZone Protest - Email w more info L06 Protest award SPE7M317P4126 solicitation SPE7M317T5860 - PR: 0069469201
Date: Wednesday, August 09, 2017 10:57:42 AM
Attachments: [L06 Protest award SPE7M317P4126 solicitation SPE7M317T5860.msg](#)

protest

-----Original Message-----

From: Jacob Queern [<mailto:jqueern@jeqandco.com>]
Sent: Wednesday, August 09, 2017 10:23 AM
To: Hubzone Helpdesk
Subject: FW: [Non-DoD Source] L06 Protest award SPE7M317P4126 solicitation SPE7M317T5860 - PR: 0069469201

HUBZone,

Please see below and attached and advise accordingly.

Thanks

Jacob Queern
Principal
JEQ & Co Logistics Solutions
MC #: 907263
C: (757) 633 - 1206
jqueern@jeqandco.com
Skype: jqueern
SBA Recognized Small Business
CAGE Code: 7B1T4

-----Original Message-----

From: O'Reilly, Rory D CIV DLA LAND AND MARITIME (US) [<mailto:Rory.OReilly@dla.mil>]
Sent: Wednesday, August 9, 2017 9:11 AM
To: Jacob Queern <jqueern@jeqandco.com>; Stegman, Adam C CIV DLA LAND AND MARITIME (US) <Adam.Stegman@dla.mil>; Wilson, Kimberly M CIV DLA ACQUISITION (US) <Kimberly.Wilson@dla.mil>; Horn, Trevor P CIV DLA LAND AND MARITIME (US) <Trevor.Horn@dla.mil>
Cc: David Pryor <dpryor@jeqandco.com>; Daniel Humphrey <dhumphrey@jeqandco.com>
Subject: RE: [Non-DoD Source] L06 Protest award SPE7M317P4126 solicitation SPE7M317T5860 - PR: 0069469201

Good morning Jacob,

We haven't heard back either. The protest was submitted last week to - Director, HUBZone Program, U.S. Small Business Administration, 409 Third Street SW., Washington, DC.

As soon as we receive their response we'll forward it to you.

Thank you,

V/r,

Rory O'Reilly | Contracting Officer | Defense Logistics Agency (DLA) Land & Maritime - FMDE | P. 614-692-1742
| C. 614-406-9618 | F. 614-693-1605

-----Original Message-----

From: Jacob Queern [<mailto:Jqueern@jeqandco.com>]

Sent: Wednesday, August 09, 2017 8:31 AM

To: Stegman, Adam C CIV DLA LAND AND MARITIME (US) <Adam.Stegman@dla.mil>; Wilson, Kimberly M CIV DLA ACQUISITION (US) <Kimberly.Wilson@dla.mil>; O'Reilly, Rory D CIV DLA LAND AND MARITIME (US) <Rory.OReilly@dla.mil>; Horn, Trevor P CIV DLA LAND AND MARITIME (US) <Trevor.Horn@dla.mil>

Cc: David Pryor <dpryor@jeqandco.com>; Daniel Humphrey <dhumphrey@jeqandco.com>

Subject: RE: [Non-DoD Source] L06 Protest award SPE7M317P4126 solicitation
SPE7M317T5860

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Hello Adam, Kim, Rory, Trevor,

Original protest correspondence attached.

I never heard back with respect to the below protest.

I know I mentioned it before but please do not send outcomes via certified mail. Please e-mail them as an attachment. Or if you need to send them by certified mail, please also send a copy by e-mail

Please advise if I should additionally protest this through the SBA and the GAO. I'll begin those steps if I do not hear back soon.

Thanks

Jacob Queern
Principal
JEQ & Co Logistics Solutions
MC #: 907263
C: (757) 633 - 1206
jqueern@jeqandco.com
Skype: jqueern
SBA Recognized Small Business
CAGE Code: 7B1T4

-----Original Message-----

From: Stegman, Adam C CIV DLA LAND AND MARITIME (US) [Caution-<mailto:Adam.Stegman@dla.mil>]

Sent: Tuesday, August 1, 2017 1:57 PM

To: Jacob Queern <Jqueern@jeqandco.com>

Subject: RE: [Non-DoD Source] L06 Protest award SPE7M317P4126 solicitation
SPE7M317T5860

Good Afternoon Mr. Queern -

I have received your protest and will be taking appropriate actions. Please wait for DLA personnel to contact you for further instructions/action/results of your protest. Thank you.

Very Respectfully,

Adam Stegman
Purchasing Agent
DLA Maritime Post Award FMSE/NESO
PH: 614-692-9407
Email: Adam.stegman@dla.mil

-----Original Message-----

From: Jacob Queern [Caution-<mailto:jqueern@jeqandco.com>]
Sent: Tuesday, August 01, 2017 11:40 AM
To: Wilson, Kimberly M CIV DLA ACQUISITION (US) <Kimberly.Wilson@dla.mil>; O'Reilly, Rory D CIV DLA LAND AND MARITIME (US) <Rory.OReilly@dla.mil>; Stegman, Adam C CIV DLA LAND AND MARITIME (US) <Adam.Stegman@dla.mil>; Meyer, Gary L CIV DLA LAND AND MARITIME (US) <Gary.Meyer@dla.mil>
Cc: Horn, Trevor P CIV DLA LAND AND MARITIME (US) <Trevor.Horn@dla.mil>; David Pryor <dpryor@jeqandco.com>; Daniel Humphrey <dhumphrey@jeqandco.com>
Subject: [Non-DoD Source] L06 Protest award SPE7M317P4126 solicitation
SPE7M317T5860

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Rory, Kim, Trevor, Adam, Gary,

I know Rory already acknowledged receipt of my protest but my initial protest did not have all the facts and details explaining why we think this award was made erroneously.

The purpose of this e-mail is to protest the decision used to determine the awardee of this solicitation under the guidelines set forth by the Federal Acquisition Regulations (FAR) 52.219-9008, concerning

COMBINED HUBZone/SMALL BUSINESS SET-ASIDE INSTRUCTIONS - TYPE 1 (FEB 2006) - DLAD which state:

This solicitation is restricted to small business concerns and Federal Prison Industries (FPI). All small businesses are encouraged to submit quotes; however, award will be made in the following order of set-aside precedence: (1) HUBZone small business concerns (FAR 52.219-3); then, if no qualified quote is received from a HUBZone small business concern at a fair market price, (2) small business concerns (FAR 52.219-6) or FPI (FAR 52.219-6, Alternate II). The FAR clauses contained herein (except paragraph (b) of 52.219-3) apply to the solicitation. Only the FAR clause matching the awardee's Small Business Program and Type representation applies to the award.

This solicitation was awarded to: CAGE 78HR2

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE78HR2 is not a HUBZone Certified Concern

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE 7B1T4, JEQ&Co is a HUBZone Certified Concern

JEQ&Co's costs were fair and reasonable according to prior awards of this NSN as follows:

Link to award information can be found as follows:

Caution-Caution-<https://www.dibbs.bsm.dla.mil/Awards/AwdRec.aspx?contract=SP E7M317P4126&dlv <>
Caution-Caution-<https://www.dibbs.bsm.dla.mil/Awards/AwdRec.aspx?contract=SP E7M317P4126&dlv > =>

Please let me know if anything else from JEQ&Co is needed in order to formally lodge our protest

Thank you for your consideration and I look forward to your reply. Please advise if a "stop work" order is issued. Please send your reply by e-mail.

Please keep my colleagues in copy in your response

Jacob Queern

Principal

JEQ & Co Logistics Solutions

MC #: 907263

C: (757) 633 - 1206

jqueern@jeqandco.com < Caution-Caution-<mailto:jqueern@jeqandco.com> >

Skype: jqueern

SBA Recognized Small Business

CAGE Code: 7B1T4

From: Jacob Queern
Sent: Tuesday, August 1, 2017 7:27 AM
To: kimberly.wilson@dla.mil; Rory.OREilly@dla.mil
Cc: Trevor.horn@dla.mil; David Pryor <dpryor@jeqandco.com>; Daniel Humphrey <dhumphrey@jeqandco.com>
Subject: Protest award SPE7M3-17-P-4126 solicitation SPE7M3-17-T-5860

Rory,

You awarded a HUBZone set aside solicitation to a company that doesn't have a HUBZone certification

Please confirm receipt and consider this protested

Jacob Queern
Principal
JEQ &Co LLC
757.633.1206
Jqueern@jeqandco.com < Caution-Caution-<mailto:Jqueern@jeqandco.com> >



Tab 18

From: Jacob Queen
To: DLA Maritime Post Award (MSPE); Maxwell, Brian S CIV DLA LAND AND MARITIME (US); REDECKER, KALYN D CIV DLA LAND AND MARITIME (US)
Cc: "hubzone@smallbiz.gov"; h2protests@smallbiz.gov; David Pryor
Subject: [Non-DoD Source] L06 Protest award SPE7M117P7893 solicitation SPE7M117TL125
Date: Saturday, August 26, 2017 4:21:17 PM
Attachments: SPE7M117TL125.PDF
SPE7M117P7893 Award.PDF

protest recvd

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Mr. Maxwell, Ms. Redecker,

Please find **attached solicitation and award notice**

The purpose of this e-mail is to protest the decision used to determine the awardee of this solicitation under the guidelines set forth by the Federal Acquisition Regulations (FAR) 52.219-9008, concerning

COMBINED HUBZone/SMALL BUSINESS SET-ASIDE INSTRUCTIONS - TYPE 1 (FEB 2006) - DLAD which state:

This solicitation is restricted to small business concerns and Federal Prison Industries (FPI). All small businesses are encouraged to submit quotes; however, award will be made in the following order of set-aside precedence: (1) HUBZone small business concerns (FAR 52.219-3); then, if no qualified quote is received from a HUBZone small business concern at a fair market price, (2) small business concerns (FAR 52.219-6) or FPI (FAR 52.219-6, Alternate II). The FAR clauses contained herein (except paragraph (b) of 52.219-3) apply to the solicitation. Only the FAR clause matching the awardee's Small Business Program and Type representation applies to the award.

This solicitation was awarded to: CAGE **3LHB1**

Per the Small Business Administration's (SBA) Dynamic Small Business Search (DSBS), CAGE **3LHB1** is not a HUBZone Certified Concern.

Jacob Queern

Principal

JEQ & Co Logistics Solutions

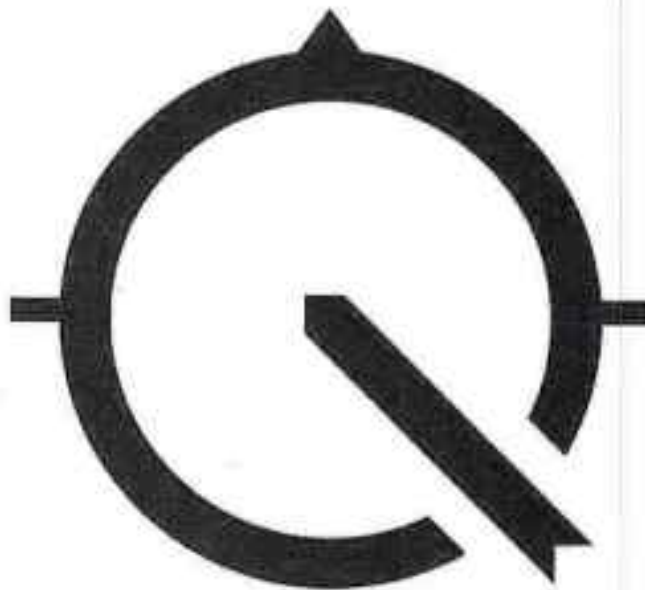
MC #: 907263

C: (757) 633 – 1206

jqueern@jeqandco.com < Caution-mailto:jqueern@jeqandco.com >

Skype: jqueern

CAGE Code: 7B1T4



The information contained in this electronic communication and any accompanying document is confidential, may be attorney-client privileged, and is intended only for the use of the addressee. It is

the property of JEQ & Co LLC. Unauthorized use, disclosure or copying of this communication, or any part of it, is strictly prohibited and may be unlawful. If you have received this communication in error, please notify the sender immediately by return email, and destroy this communication and all copies of it, including all attachments. Electronic communication may be susceptible to data corruption, interception and unauthorized tampering and JEQ & Co LLC disclaims all liability of any kind for such actions or any consequences that may arise directly or indirectly therefrom.

Jacob Queern

Principal

JEQ & Co Logistics Solutions

MC #: 907263

C: (757) 633 – 1206

jqueern@jeqandco.com < Caution-mailto:jqueern@jeqandco.com >

Skype: jqueern

SBA Recognized Small Business

CAGE Code: 7R1T4

protesting
party's
quote

GPRS Submitted Quote Summary			
Solicitation #: SPE7M117TL125 HUBZone: SFT-ASDR	Prepared By: 7BIT4	Quoting For CAGE: 7BIT4	Quote Date/Time: 24-JUL-2017 12:35 PM ET Buyer Code: PMCMKKV
Header Data Area			
Bid Type: Bid without Exception Needs Packaging and RFID Requirements: Yes Discount Terms: 1/2% 10 Days Quote Valid for: 90 days Federal Supply Schedule / Basic Ordering Agreement / Blanket Purchase Agreement: Not Applicable FOB Point: Origin - Bristol, Pennsylvania United States Govt. Inspection Point: Destination SPI Process Proposed: No		Vendor Quote#: SPE7M117TL125	
Price Data Area			
NSN/Part #: 6115012300677 NOMEN: Chest,Accessory			
LINE # / PR #	QUANTITY	US	UNIT PRICE
8003 0000795113	60	EA	4392.00000
DELIVERY DAYS			
153			
Total Amount: \$23,520.00			
Minimum Order Quantity Is a larger quantity obtainable at no additional total price due to a minimum order quantity? NSN/Part #: 6115012300677 No			
Quantity Variance NSN/Part #: 6115012300677 +0% -0%			
Quantity Available for Immediate Shipment Is there a quantity available for immediate shipment? NSN/Part #: 6115012300677 No			
Price Breaks			
NSN/Part #: 6115012300677			
QTY RANGE	PRICE		
TO			
Product Offered Representations			
NSN/Part #: 6115012300677 NOMEN: CHEST,ACCESSORY			
Supplies Offered			
Supplies in accordance with all Specifications/Standards/Drawings cited in the solicitation item description, including the basic document(s) that follows:			
NSN/STANDARD	DATE	ANRD	ANRD Date
67403 112267737	18-SEP-08	D	14-SEP-09
Manufacturer/Dealer: Dealer Actual Manufacturer CAGE: 10A72			

Material Requirements: Used, Reconditioned, Remanufactured, or New/Unused Government Surplus? No	
Hazardous Material Identification and Material Safety Data: Hazardous Material? No	
Buy American Act - Balance of Payments Program Certification: Domestic End Products	
Duty Free Entry Requested: No (Not available for Supplies Acquired for use Outside the United States)	
Contractor Representations	
North American Industry Classification System (NAICS): 335312	
Small Business and Other Business Type Representations: Type: Small Business HUBZone Small Business	
Alternate Disputes Resolution: Do you agree to use alternate dispute resolution in accordance with DIAD 52.233-90017? Agree To Use Alternate Disputes Resolution	
Previous Contracts and Compliance Reports: Not Applicable	
Affirmative Action Compliance: Not Applicable	
Certification Regarding Knowledge of Child Labor for Listed End Products: Are you providing an end product that may have been mined, produced or manufactured by forced or indentured child labor? No	
Vendor Information	
Vendor Address JSC CO LLC 2404 ARCTIC AVE #2 VIRGINIA BEACH, VA 23451-3287 US	Quoter Quote ID: 7B1T401 Name: Jacob Quern Phone: (757) 633-1306 E-Mail: jquern@jogandco.com

awardee's
quote

DMARS Submitted Quote Summary			
Solicitation #: SPE7M117TL125 HUBZONE SET-ASIDE	Prepared By: 3LHB1	Quoting For CAGE: 3LHB1	Quote Date/Time: 18-JUL-2017 11:51 AM ET Buyer Code: PMCMKKV
Header Data Area			
Bid Type: Bid without Exception		Vendor Quote #: SPE7M117TL125	
Meets Packaging and RFID Requirements: Yes			
Discount Terms: Net 30			
Quote Valid for: 10 days			
Federal Supply Schedule / Basic Ordering Agreement / Blanket Purchase Agreement: Not Applicable			
FOB Point: Origin - Somerset, Pennsylvania United States			
Govt. Inspection Point: Destination			
SPI Process Proposed: No			
Price Data Area			
NSN/Part #: 6115012300677 NOMEN: Chest,Accessory			
LINE # / PR #	QUANTITY	UO	UNIT PRICE
0001 0009795132	60	EA	\$258.10000
DELIVERY DAYS: 160			
Total Amount: \$15,486.00			
Minimum Order Quantity: Is a larger quantity obtainable at no additional total price due to a minimum order quantity? NSN/Part #: 6115012300677 No			
Quantity Variance: NSN/Part #: 6115012300677 +0% -0%			
Quantity Available for Immediate Shipment: Is there a quantity available for immediate shipment? NSN/Part #: 6115012300677 No			
Price Breaks			
NSN/Part #: 6115012300677			
Qty. Range	Price		
to			
Product Offered Representations			
NSN/Part #: 6115012300677 NOMEN: CHEST,ACCESSORY			
Supplies Offered: Supplies in accordance with all Specifications/Standards/Drawings cited in the solicitation item description, including the basic document(s) that follows:			
SPEC/STAND/DWG	Issued	AMND	AMND Date
97403-1327657717	18-SEP-06	D	16-SEP-06
Manufacturer/Dealer: Dealer Actual Manufacturer CAGE: 97403			

<p>Material Requirements Used, Reconditioned, Remanufactured, or New/Unused Government Surplus? No</p> <p>Hazardous Material Identification and Material Safety Data: Hazardous Material? No</p> <p>Buy American Act - Balance of Payments Program Certification: Domestic End Products</p> <p>Duty Free Entry Requested: No (Not available for Supplies Acquired for use Outside the United States)</p>			
<p>Contractor Representations</p> <p>North American Industry Classification System (NAICS): ALL Default to these Business responses below when quoting: ALL NAICS</p> <p>Small Business and Other Business Type Representations: Type: Small Business HUBZone Small Business</p> <p>Alternate Disputes Resolution: Do you agree to use alternate dispute resolution in accordance with DIAD 52.233-9001? Agree To Use Alternate Disputes Resolution</p> <p>Previous Contracts and Compliance Reports: Not Participated</p> <p>Affirmative Action Compliance: Developed and on File</p> <p>Certification Regarding Knowledge of Child Labor for Listed End Products: Are you providing an end product that may have been mined, produced or manufactured by forced or indentured child labor? No</p>			
<p>Vendor Information</p> <table border="1"><tr><td><p>Vendor Address</p><p>AUGUSTINE DIE MOLD, INC. 492 DOLM AVE SOMERSET, PA 15501-3401 US</p></td><td><p>Quoter</p><p>User ID: 3LHB101 Name: Daria Graffius Phone: (814) 444-6307 E-Mail: dgraffius@amoldinc.com</p></td></tr></table>		<p>Vendor Address</p> <p>AUGUSTINE DIE MOLD, INC. 492 DOLM AVE SOMERSET, PA 15501-3401 US</p>	<p>Quoter</p> <p>User ID: 3LHB101 Name: Daria Graffius Phone: (814) 444-6307 E-Mail: dgraffius@amoldinc.com</p>
<p>Vendor Address</p> <p>AUGUSTINE DIE MOLD, INC. 492 DOLM AVE SOMERSET, PA 15501-3401 US</p>	<p>Quoter</p> <p>User ID: 3LHB101 Name: Daria Graffius Phone: (814) 444-6307 E-Mail: dgraffius@amoldinc.com</p>		

Abstract of Quotes -- PO Order

Eval By	Date/Time Stamp	Purchase Request	Solicitation	Return By	Buyer Code	Buyer	FOB	Insp	Accp
Manual Abstract	08/24/2017 10:11:25	0069795152	SPE7M117TL125	07/24/2017	DKR0019	1GU	O	D	D

NSN	Nomenclature:	AMSC	Set Aside
6115012300677	CHEST ACCESSORY	G	H - TOTAL HUB-ZONE

Est. Total Qty	ALPP (Auto)/ Unit Price(Man)	Estimated Total Price
60.00	195.86	11,751.60

This buy dropped for Manual because: DC - LOW EVAL QUOTER ON DCRL NV - New vendor - obtain information to make responsibility determination

QUOTES RECEIVED

CAGE: 02FG0 RQST WAIV: N Quote Total Value: 12,727.61

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dir Mfr	Buy USA	Surp	Deliv Days	FOB	Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	212.1269	12,727.61	B	MM	D	N	070	O	D	D	BI	S,V		

CAGE: 7W0L4 RQST WAIV: N Quote Total Value: 13,087.62

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dir Mfr	Buy USA	Surp	Deliv Days	FOB	Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	218.127	13,087.62	B	MM	D	N	070	O	D	D	BI	S,V		

CAGE: 1A424 RQST WAIV: N Quote Total Value: 14,964.00

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dir Mfr	Buy USA	Surp	Deliv Days	FOB	Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	249.40	14,964.00	B	MM	D	N	153	O	D	D	BI			

CAGE: 3LHB1 RQST WAIV: N Quote Total Value: 15,486.00

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dir Mfr	Buy USA	Surp	Deliv Days	FOB	Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	258.10	15,486.00	O	DD	D	N	160	O	D	D	BI			

CAGE: 7WDN8 RQST WAIV: N Quote Total Value: 15,600.00

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dir Mfr	Buy USA	Surp	Deliv Days	FOB	Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	260.00	15,600.00	B	MM	D	N	070	O	D	D	BI	S.V		

CAGE: 5HQV0 RQST WAIV: N Quote Total Value: 15,672.00

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dir Mfr	Buy USA	Surp	Deliv Days	FOB	Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	261.20	15,672.00	O	DD	D	N	159	O	D	D	BI			

CAGE: 7W1F9 RQST WAIV: N Quote Total Value: 16,020.00

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dir Mfr	Buy USA	Surp	Deliv Days	FOB	Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	267.00	16,020.00	V	MM	D	N	055	O	D	D	BI	S.V		

CAGE: 1DA72 RQST WAIV: N Quote Total Value: 17,740.20

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dir Mfr	Buy USA	Surp	Deliv Days	FOB	Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	295.67	17,740.20	B	MM	D	N	153	O	D	D	BI			

CAGE: 7Z016 RQST WAIV: N Quote Total Value: 19,248.00

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dlr Mfr	Buy USA	Surp	Deliv Days	FOB Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	320.80	19,248.00	B	DD	D	N	200	O	D	BI		74	G

CAGE: 0X5M5 RQST WAIV: N Quote Total Value: 19,500.00

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dlr Mfr	Buy USA	Surp	Deliv Days	FOB Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	325.00	19,500.00	B	MM	D	N	090	O	D	BI			

CAGE: 7B1T4 RQST WAIV: N Quote Total Value: 23,520.00

NSN	Quantity	Cur	Unit Price	Total Price	Bus Size	Dlr Mfr	Buy USA	Surp	Deliv Days	FOB Insp	Accp	Bid Type	DCRL	PPIRS Score	PPIRS Color
6115012300677	60.00	USD	392.00	23,520.00	Q	DD	D	N	153	O	D	BI			

JED

NO QUOTES - None Received

AWARD SUMMARY

Awardee CAGE PIIN	Transaction Number	Award Date	Total Price
3LHBI	SPE7M117P7893	08/24/2017	15,486.00

PROCUREMENT HISTORY

NSN	Source Type	PIIN	Transaction Num	Quantity	Unit Cost	Award Date	Price Reason Code	Term CD
3LHBI	Q	SPE7M117P7893	8504681108	80,000	258.10	08/24/2017	BA	
3WGD1	R	SPE7M917P1452	8504170280	67,000	276.11	03/02/2017	BB	
1A424	B	SPE7MC14V4500P00002	8501074313	103,000	198.80	06/19/2014	XG	
1A424	B	SPE7M313M1764	8500259028	148,000	187.20	06/25/2013	BA	

CAGE	Source Type	PIIN	Transaction Num	Quantity	Unit Cost	Award Date	Price Reason Code	Term CD
0VVC3	Q	SPM7MC10D500500005	4523275123	130.000	187.20	12/21/2012	XX	
0VVC3	Q	SPM7MC10D500500004	4523036207	80.000	194.30	11/27/2012	XX	
0VVC3	Q	SPM7MC10D500500003	4522320214	42.000	204.60	09/06/2012	XX	
0VVC3	Q	SPM7MC10D500500002	4522083539	130.000	187.20	08/13/2012	XX	
0VVC3	Q	SPM7MC10D500500001	4517435632	17.000	204.60	04/04/2011		
1DA72	B	SPM7M110MV589	4512605208	63.000	199.92	11/21/2009	BB	
1DA72	B	SPM7MC10V0765	4512547230	80.000	209.45	11/16/2009	XB	
1DA72	B	SPM7MC09V4904	4511860686	30.000	247.21	09/03/2009	XB	
1DA72	B	SP043004D19370004		138.000	165.10	04/10/2006	BA	
1DA72	B	SP043004D19370003		150.000	165.10	01/18/2006	BA	
1DA72	B	SP043004D19370002		126.000	165.10	01/05/2006	BA	
1DA72	B	SP043004D19370001		150.000	157.24	08/31/2004	BA	
1DA72	B	SP043004C2029		412.000	149.99	08/27/2004	BA	
1DA72	B	SP043003C2288		1110.000	128.46	07/02/2003	BA	
84583	B	SP043002MQL63		185.000	138.00	09/09/2002	BA	
6U349	B	SP043000D02570008		156.000	110.14	07/20/2001	BX	K

NO APPROVED SOURCES FOUND

NO QUALIFIED SOURCES FOUND

JOINT CERTIFICATION PROGRAM – Not Applicable

Simplified Acquisition Award Documentation

Buyer: Kalyn Redecker PR#: [0069795152]

Basis for Award – Price Reasonableness Determination – FAR 13.106-3(a): **BA**

(Check as applicable and explain as needed*)

☒ Fair and Reasonable – Adequate Price Competition – Manufacturer Competition

☐ Fair and Reasonable – Adequate Price Competition – Dealer/OEM Competition

☐ Fair and Reasonable – No Competition (single quote or noncompetitive price range)

☐ Fair and Reasonable – Adequate Price Competition Among Providers of Services

☐ Commercial Item \$_____ per unit

☐ Market Research

☐ Federal Supply Schedule (FSS) Number: _____ FSS Price: \$_____

☐ Independent Government Estimate

☐ Comparison of the proposed price with prices found reasonable on previous purchases

Contract: SPE7M917P1452 Unit Price: \$ 276.11

Price Reasonableness Code (PRC) (if applicable) – DLAD 15.406-3(a)(11): BB

☐ Comparison of similar items: NSN: _____ Unit Price: \$_____

☐ Contracting Officer's knowledge of the item

☐ Any other reasonableness basis (i.e. Informal Cost Breakdown, Set by law or regulation, or other FAR Part 15 procedures)

* Narrative: This PR was solicited on DIBBS via the automated system for a quantity of 60.00 each with a 153 day delivery, as a total HUBZone set-aside. This PR received 11 quotes, of the 11 quotes received 3 were from eligible HUBZone vendors. The 3 eligible quotes were within a competitive range based on unit price; and were also in line with procurement history. Therefore, the set-aside remains and quotes from the following CAGE codes were removed from consideration for award: 02FG0, 7W0L4, and 1A424, see memo for file for more information.

The lowest priced technically acceptable quote was received from Augustine Die Mold, Inc (3LHB1), a HUBZone dealer offering new material at the quantity of 60 priced at \$258.10 each with a 160 day delivery. The 2nd lowest priced, technically acceptable offer received was from cage 5HQV0, a HUBZone dealer offering new material at a quantity of 60 priced at \$261.20 each with a 159 day delivery. The difference in the unit price between these two quotes is \$3.10 or 1.20%, which is considered competitive.

The previous purchase of this item was made in March 2017 for a quantity of 67 costing \$276.11 each from CAGE 3WGD1 and was determined fair and reasonable based on buyer analysis. The difference in unit price between the current quoted price and the previous procurement is a decrease of \$18.01 each or 6.52% less, which is comparable. Based on adequate price competition between two independent manufacturing sources, the current unit price of \$258.10 is determined fair and reasonable, resulting in the purchase order being awarded to Augustine Die Mold, Inc.

DFARS 217.7505 Sole Source Price Increase Certification:

Base price as adjusted in accordance with DFARS 17.7505 has increased by more than the percentage or dollar value permitted in DLAD 17.7505. ☐ Yes ☒ No. If "Yes," the price has been evaluated and justified. Required notification prior to award has been completed.

Best Value Determination: (Required if Awarding to Other Than Lowest-Price, Highest-Scored Quoter):

* Narrative: **Higher scored, higher priced offers do not offset the performance risk of the lower scored, lower priced awardee.**

Other Determinations: (Check as applicable and explain as needed*)

☐ Procurement is a First Time Buy

☐ Fast Pay applicable

☐ PR complies with Fast Pay requirements IAW FAR 13.402(a)-(f)

☐ FARS DEV at DLAD 13.402 applies. FARS DEV Number: _____

[X] First Destination Packaging (FDP) Considerations:

[X] No change in level of packaging from previous buy

[] If level of packaging changed from Military to commercial, unit price was negotiated:

[] Yes [] Savings in unit price realized: \$/% _____ [] No savings realized

[] No negotiation due to low potential savings (IAW DLAD 13.106-2(b)(3)(ii)(D)(S-91) or 15.402(a)(S-90)(2))

[X] First Destination Transportation (FDT) Program Considerations:

[X] No negotiation conducted

[] Unit price was negotiated [] Savings in unit price realized: \$/% _____ [] No savings realized

[X] SAM.gov checked; awardee not proposed for suspension/debarment or debarred IAW FAR 9.405(d)(4)

Date SAM Checked: __August 23, 2017__

Contracting Officer's signature on the award document constitutes concurrence with all determinations made above.

August 28, 2017

MEMORANDUM FOR RECORD

SUBJECT: SPE7M1-17-P-7893, 0069795152, 6115-01-230-0677, CHEST ACCESSORY, 60.000, EA

PR was solicited on DIBBS as a total HUBZone set-aside and received 11 quotes. The contract was awarded to Augustine Die Mold, Inc (3LHB1), a HUBZone dealer (Q), and lowest acceptable bidder, based on item specifications, price, delivery, and set-aside requirements.

Awarded to Augustine Die Mold, Inc despite a no PPIRS score for this FSC (6115). Buyer consulted SAMS, DCRL, and VPH prior to awarding. There were no DCRL entries and no exceptions in SAMS. Buyer found no further derogatory information in VPH. Screenshots of these items are below.

Vendor Performance History

VPH may contain DLA contractor delinquencies/cancellations occurring within the last 60 days to which the contractor has not yet had an opportunity to submit rebutting information in PPRS. Therefore, the AS should give the contractor an opportunity to review and comment on recent adverse data as a FAR Part 15 source selection. If proceeding under FAR Part 13, the AS should check with the postaward administrator before relying on recent adverse VPH data, particularly when the data is out of line with the CAGE's PPRS scores and their on time delivery rate.

CAGE 3LH81 AUGUSTINE DE HOLD, INC.

BUSINESS START DATE: 01/23/1996

Deliveries:

DLA Land & Miss Longshore Vendor Delivery Score (1 Year History): **75**

Delinquencies (Open CLINs >30 days past the CDD):

DLA Open CLINs: **5** DLA Delq CLINs: **0** DLA Delq Rate: **0.0%**

USAM Open CLINs: **4** USAM Delq CLINs: **0** USAM Delq Rate: **0.0%**

DLA On-Time Deliveries (1 Year History):

Avg Days Late: **0.0** *Delq CLINs not averaged (T: 100%) (C: 100%)

Period	CLINs	On-Time %
Not Period	0	0%
Period	0	0%
Delq	0	0%
On-Time	100	100%

Awarded and Cancelled CLINs (1 Year History):

DLA Awarded CLIN: **0** DLA Terminated (Default): **0** DLA Term%: **0.0%**

DLA Cancelled (Contractor): **1** DLA Canc%: **11.1%**

USAM Awarded CLIN: **7** USAM Terminated (Default): **0** USAM Term%: **0.0%**

USAM Cancelled (Contractor): **0** USAM Canc%: **0.0%**

For Official Use Only Source Selection Information - See FAR 2.101 and 2.104

Vendor Performance for CAGE 3LH81 / Page 1 of 2

11:28 8/23/2017



RSAC CD	RSAC DATE	TRUST CD	TRUST DATE

SAC ATTN TEST

Query

SQL Report (1 year history)

For Official Use Only Source Selection Information - See FAR 2.101 and 2.104

Vendor Performance for CAGE 9LH55 / Page 2 of 2

11/28 8/23/2017

Close Report

8/23/2017 11:21:30 AM

CAGE: JLRH1 NAME: AUGUSTINE DIE MOLD, INC.

NSIC CODE: 3414

DLA: 00000000000000000000000000000000 75

PIRS Report

PIRS	WDR: 2-7	WDR: 2-7	WDR: 2-7
2930	100	1	6
4820	100	1	6
4850	100	1	6
5315	0	1	6

PIRS Report for CAGE: JLRH1 / Page 1 of 1

11/23/2017



Contract

Personnel

Log In

Contract Number

Personnel Number

Contract Number

HOME SEARCH RECORDS DATA ACCESS CHECK STATUS ABOUT HELP

Entity Dashboard

- Entity Overview
- Entity Registration
 - Entity Data
 - Alerts
 - Reg & Cnts
 - PIRs
- Exclusions
 - Active Exclusions
 - Inactive Exclusions
 - Excluded Entity Members
- Entity Information

AUGUSTINE DIE & MOLD, INC.
DUNS: 009089967 CAGE Code: JLRH1
Status: Active
Expiration Date: 03/21/2018
Purpose of Registration: All Awards

490 DUEM AVE
SOMERSET, PA, 15501-3400,
UNITED STATES

Entity Registration Summary

Name: AUGUSTINE DIE & MOLD, INC.
Business Type: Business Organization
Last Updated By: Test Negative
Registration Status: Active
Activation Date: 03/21/2017
Expiration Date: 03/21/2018

Exclusion Summary

Active Exclusion Records? No

10/16/2017



Tab 19

Jacob Queern

From: Kupperbusch, Kevin A. (Off. Inspector Gen.) <kevin.kupperbusch@sba.gov>
Sent: Wednesday, March 20, 2019 7:32 AM
To: Jacob Queern
Subject: RE: Help with a Government Agency regarding 1. SBA Complaint #20190231 2. Case 2018-DLA-PRE-0163 in the DLA Office of Inspector General 3. CASE OIG-19-01-0032 in the GAO Office of Inspector General

Mr. Queern,

I've discussed your complaints at length with our counsel. Even though SBA is delegated the authority to decide size protest issues and is responsible for reporting those decisions back to the contracting agency, the regulations do not provide SBA any recourse if the contracting agency fails to abide by the decisions. SBA has not been granted control over the actual award of a contract other than those granted by SBA itself and has no authority to suspend or terminate a contract. SBA's only course of action is to report the agency inaction to the contracting officer's supervisor and/or the IG for that agency. Any alleged inaction would be in violation of that agency's policies on dealing with contracts. That agency's OIG is already investigating the issue. SBA has no further procedural action it can take to remedy any inaction on the part of the contracting agency.

Kevin Kupperbusch

August 28, 2017

MEMORANDUM FOR RECORD

SUBJECT: SPE7M1-17-P-7893, 0069795152, 6115-01-230-0677, CHEST, ACCESSORY, 60.000, EA

This PR was solicited as a total HUBZone set-aside. This PR received 11 quotes, of the 11 quotes received 3 were from eligible HUBZone vendors. The 3 eligible quotes were within a competitive range based on unit price; and were also in line with procurement history. Therefore, the set-aside remains and quotes from the following CAGE codes were removed from consideration for award: 02FG0, 7W0L4, and 1A424.



Tab 20

Jacob Queern

From: Kang, Jonathan <KangJ@gao.gov>
Sent: Thursday, September 7, 2017 11:14 AM
To: 'Franchetti, Nicole M CIV (US)'; Jacob Queern
Cc: 'DLA Bid Protest'; Protests
Subject: RE: B-415142 - Protest by JEQ & Co - Solicitation No. SPE8EE17T3039 - Request for Dismissal

We have received DLA's request to dismiss the above-referenced protest. The protester should file its response to the request by noon (ET) on Monday, September 11, 2017. The due date for the agency report is suspended pending our ruling on the request for dismissal.

Jonathan L. Kang
Senior Attorney
US Government Accountability Office
441 G Street, NW
Washington, DC 20548
Tel 202.512.3315
Fax 202.512.9749

From: Franchetti, Nicole M CIV (US) [mailto:nicole.franchetti@dla.mil]
Sent: Thursday, September 07, 2017 10:36 AM
To: Jqueern@jeqandco.com
Cc: DLA Bid Protest; Protests
Subject: B-415142 - Protest by JEQ & Co - Solicitation No. SPE8EE17T3039 - Request for Dismissal

Mr. Queern,

Please see the attached redacted Request for Dismissal and enclosures that are suitable for release. An unredacted version of the Request for Dismissal and complete set of enclosures was filed with the GAO this morning.

Regards,

Nicole

Nicole M. Franchetti
Senior Counsel, Construction & Equipment DLA Counsel - Troop Support
PHONE: (215) 737-2647/DSN 444-2647
FAX: (215) 737-5913/DSN 444-5913

CAUTION: This communication may contain material protected by the attorney-client, attorney work-product, deliberative process, or other privilege. It is not to be released outside of the office of the intended recipient(s) without the written consent of the Office of Counsel.



Tab 21

Government, or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant—

(A) authorized under law to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; or

(B) serving as a probation or pretrial services officer under this title;

(5) the term “bodily injury” means—

(A) a cut, abrasion, bruise, burn, or disfigurement;

(B) physical pain;

(C) illness;

(D) impairment of the function of a bodily member, organ, or mental faculty; or

(E) any other injury to the body, no matter how temporary; and

(6) the term “corruptly persuades” does not include conduct which would be misleading conduct but for a lack of a state of mind.

(b) As used in section 1505, the term “corruptly” means acting with an improper purpose, personally or by influencing another, including making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.

(c) This chapter does not prohibit or punish the providing of lawful, bona fide, legal representation services in connection with or anticipation of an official proceeding.

(Added Pub. L. 97–291, §4(a), Oct. 12, 1982, 96 Stat. 1252; amended Pub. L. 99–646, §50(b), Nov. 10, 1986, 100 Stat. 3605; Pub. L. 100–690, title VII, §7029(b), (d), Nov. 18, 1988, 102 Stat. 4398; Pub. L. 101–650, title III, §321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 102–572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 103–322, title XXXII, §320604(a), Sept. 13, 1994, 108 Stat. 2118; Pub. L. 104–292, §3, Oct. 11, 1996, 110 Stat. 3460; Pub. L. 104–294, title VI, §604(b)(39), Oct. 11, 1996, 110 Stat. 3509.)

AMENDMENTS

1996—Subsec. (a)(1)(D). Pub. L. 104–294 struck out “or” after semicolon at end.

Subsecs. (b), (c). Pub. L. 104–292 added subsec. (b) and redesignated former subsec. (b) as (c).

1994—Subsec. (a)(1)(D). Pub. L. 103–322 added subpar. (D).

1992—Subsec. (a)(1)(A). Pub. L. 102–572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1988—Subsec. (a)(1)(A). Pub. L. 100–690, §7029(b), inserted “a judge of the United States Tax Court, a special trial judge of the Tax Court, a judge of the United States Claims Court,” after “bankruptcy judge.”

Subsec. (a)(6). Pub. L. 100–690, §7029(d), added par. (6).

1986—Pub. L. 99–646 inserted “; general provision” in section catchline, designated existing provisions as subsec. (a), and added subsec. (b).

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in subsec. (a)(1)(A) pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104–294, set out as a note under section 13 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102–572 effective Oct. 29, 1992, see section 911 of Pub. L. 102–572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE

Section effective Oct. 12, 1982, see section 9(a) of Pub. L. 97–291, set out as a note under section 1512 of this title.

§ 1516. Obstruction of Federal audit

(a) Whoever, with intent to deceive or defraud the United States, endeavors to influence, obstruct, or impede a Federal auditor in the performance of official duties relating to a person, entity, or program receiving in excess of \$100,000, directly or indirectly, from the United States in any 1 year period under a contract or subcontract, grant, or cooperative agreement, or relating to any property that is security for a mortgage note that is insured, guaranteed, acquired, or held by the Secretary of Housing and Urban Development pursuant to any Act administered by the Secretary, or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949, shall be fined under this title, or imprisoned not more than 5 years, or both.

(b) For purposes of this section—

(1) the term “Federal auditor” means any person employed on a full- or part-time or contractual basis to perform an audit or a quality assurance inspection for or on behalf of the United States; and

(2) the term “in any 1 year period” has the meaning given to the term “in any one-year period” in section 666.

(Added Pub. L. 100–690, title VII, §7078(a), Nov. 18, 1988, 102 Stat. 4406; amended Pub. L. 103–322, title XXXII, §320609, Sept. 13, 1994, 108 Stat. 2120; Pub. L. 104–294, title VI, §604(b)(43), Oct. 11, 1996, 110 Stat. 3509; Pub. L. 105–65, title V, §564, Oct. 27, 1997, 111 Stat. 1420; Pub. L. 106–569, title VII, §709(b), Dec. 27, 2000, 114 Stat. 3018; Pub. L. 107–273, div. A, title II, §205(c), Nov. 2, 2002, 116 Stat. 1778.)

REFERENCES IN TEXT

The Housing Act of 1949, referred to in subsec. (a), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended. Title V of the Act is classified generally to subchapter III (§1471 et seq.) of chapter 8A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–273 inserted “, entity, or program” after “person” and “grant, or cooperative agreement,” after “subcontract.”

2000—Subsec. (a). Pub. L. 106–569 inserted “or relating to any property that is security for a loan that is made or guaranteed under title V of the Housing Act of 1949,” before “shall be fined under this title”.

1997—Subsec. (a). Pub. L. 105–65 inserted “or relating to any property that is security for a mortgage note that is insured, guaranteed, acquired, or held by the Secretary of Housing and Urban Development pursuant to any Act administered by the Secretary,” after “under a contract or subcontract.”

1996—Subsec. (b)(1). Pub. L. 104–294 inserted “and” after semicolon at end.

1994—Subsec. (b). Pub. L. 103-322 substituted “section—” for “section”, inserted “(1)” before “the term”, substituted semicolon for the period at end, and added par. (2).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

§ 1517. Obstructing examination of financial institution

Whoever corruptly obstructs or attempts to obstruct any examination of a financial institution by an agency of the United States with jurisdiction to conduct an examination of such financial institution shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 101-647, title XXV, § 2503(a), Nov. 29, 1990, 104 Stat. 4861.)

§ 1518. Obstruction of criminal investigations of health care offenses

(a) Whoever willfully prevents, obstructs, misleads, delays or attempts to prevent, obstruct, mislead, or delay the communication of information or records relating to a violation of a Federal health care offense to a criminal investigator shall be fined under this title or imprisoned not more than 5 years, or both.

(b) As used in this section the term “criminal investigator” means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations for prosecutions for violations of health care offenses.

(Added Pub. L. 104-191, title II, § 245(a), Aug. 21, 1996, 110 Stat. 2017.)

§ 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

(Added Pub. L. 107-204, title VIII, § 802(a), July 30, 2002, 116 Stat. 800.)

§ 1520. Destruction of corporate audit records

(a)(1) Any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(a)) applies, shall maintain all audit or review workpapers for a period of 5 years from the end of the fiscal period in which the audit or review was concluded.

(2) The Securities and Exchange Commission shall promulgate, within 180 days, after adequate notice and an opportunity for comment, such rules and regulations, as are reasonably necessary, relating to the retention of relevant

records such as workpapers, documents that form the basis of an audit or review, memoranda, correspondence, communications, other documents, and records (including electronic records) which are created, sent, or received in connection with an audit or review and contain conclusions, opinions, analyses, or financial data relating to such an audit or review, which is conducted by any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j-1(a)) applies. The Commission may, from time to time, amend or supplement the rules and regulations that it is required to promulgate under this section, after adequate notice and an opportunity for comment, in order to ensure that such rules and regulations adequately comport with the purposes of this section.

(b) Whoever knowingly and willfully violates subsection (a)(1), or any rule or regulation promulgated by the Securities and Exchange Commission under subsection (a)(2), shall be fined under this title, imprisoned not more than 10 years, or both.

(c) Nothing in this section shall be deemed to diminish or relieve any person of any other duty or obligation imposed by Federal or State law or regulation to maintain, or refrain from destroying, any document.

(Added Pub. L. 107-204, title VIII, § 802(a), July 30, 2002, 116 Stat. 800.)

§ 1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.

(Added Pub. L. 110-177, title II, § 201(a), Jan. 7, 2008, 121 Stat. 2535.)

CHAPTER 74—PARTIAL-BIRTH ABORTIONS

Sec.

1531. Partial-birth abortions prohibited.

§ 1531. Partial-birth abortions prohibited

(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than 2 years, or both. This subsection does not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. This subsection takes effect 1 day after the enactment.



Tab 22

Pub. L. 103-322, § 320101(d)(2), inserted “the assault involved in the use of a dangerous weapon, or” after “and if”.

Pub. L. 103-322, §§ 320101(d)(1), 330016(1)(K), amended subsec. (e) identically, substituting “shall be fined under this title” for “shall be fined not more than \$5,000” after “subsection (a) of this section”.

1988—Subsec. (a). Pub. L. 100-690 inserted a comma after “section 3056 of this title”.

1986—Subsec. (a). Pub. L. 99-646, § 62(1), inserted “a major Presidential or Vice Presidential candidate (as defined in section 3056 of this title)”.

Subsec. (h). Pub. L. 99-646, § 62(2), substituted “individual” for “official”.

1982—Pub. L. 97-285, § 2(a), substituted “Congressional, Cabinet, and Supreme Court assassination, kidnapping, and assault; penalties” for “Congressional assassination, kidnapping, and assault” in section catchline.

Subsec. (a). Pub. L. 97-285, § 1(a), expanded coverage of subsec. (a) to cover the killing of any individual who is a member of the executive branch of the Government and the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination.

Subsecs. (h), (i). Pub. L. 97-285, § 1(b), added subsecs. (h) and (i).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

REPORT TO MEMBER OF CONGRESS ON INVESTIGATION CONDUCTED SUBSEQUENT TO THREAT ON MEMBER'S LIFE

Pub. L. 95-624, § 19, Nov. 9, 1978, 92 Stat. 3466, provided that: “The Federal Bureau of Investigation shall provide a written report to a Member of Congress on any investigation conducted based on a threat on the Member's life under section 351 of title 18 of the United States Code.”

CHAPTER 19—CONSPIRACY

- | | |
|--------------|---|
| Sec.
371. | Conspiracy to commit offense or to defraud United States. |
| 372. | Conspiracy to impede or injure officer. |
| 373. | Solicitation to commit a crime of violence. |

AMENDMENTS

1984—Pub. L. 98-473, title II, § 1003(b), Oct. 12, 1984, 98 Stat. 2138, added item 373.

§ 371. Conspiracy to commit offense or to defraud United States

If two or more persons conspire either to commit any offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

If, however, the offense, the commission of which is the object of the conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum punishment provided for such misdemeanor.

(June 25, 1948, ch. 645, 62 Stat. 701; Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., §§ 88, 294 (Mar. 4, 1909, ch. 321, § 37, 35 Stat. 1096; Mar. 4, 1909, ch. 321, § 178a, as added Sept. 27, 1944, ch. 425, 58 Stat. 752).

This section consolidates said sections 88 and 294 of title 18, U.S.C., 1940 ed.

To reflect the construction placed upon said section 88 by the courts the words “or any agency thereof” were inserted. (See *Haas v. Henkel*, 1909, 30 S. Ct. 249, 216 U. S. 462, 54 L. Ed. 569, 17 Ann. Cas. 1112, where court said: “The statute is broad enough in its terms to include any conspiracy for the purpose of impairing, obstructing, or defeating the lawful functions of any department of government.” Also, see *United States v. Walter*, 1923, 44 S. Ct. 10, 263 U. S. 15, 68 L. Ed. 137, and definitions of department and agency in section 6 of this title.)

The punishment provision is completely rewritten to increase the penalty from 2 years to 5 years except where the object of the conspiracy is a misdemeanor. If the object is a misdemeanor, the maximum imprisonment for a conspiracy to commit that offense, under the revised section, cannot exceed 1 year.

The injustice of permitting a felony punishment on conviction for conspiracy to commit a misdemeanor is described by the late Hon. Grover M. Moscovitz, United States district judge for the eastern district of New York, in an address delivered March 14, 1944, before the section on Federal Practice of the New York Bar Association, reported in 3 Federal Rules Decisions, pages 380-392.

Hon. John Paul, United States district judge for the western district of Virginia, in a letter addressed to Congressman Eugene J. Keogh dated January 27, 1944, stresses the inadequacy of the 2-year sentence prescribed by existing law in cases where the object of the conspiracy is the commission of a very serious offense.

The punishment provision of said section 294 of title 18 was considered for inclusion in this revised section. It provided the same penalties for conspiracy to violate the provisions of certain counterfeiting laws, as are applicable in the case of conviction for the specific violations. Such a punishment would seem as desirable for all conspiracies as for such offenses as counterfeiting and transporting stolen property in interstate commerce.

A multiplicity of unnecessary enactments inevitably leads to confusion and disregard of law. (See reviser's note under section 493 of this title.)

Since consolidation was highly desirable and because of the strong objections of prosecutors to the general application of the punishment provision of said section 294, the revised section represents the best compromise that could be devised between sharply conflicting views.

A number of special conspiracy provisions, relating to specific offenses, which were contained in various sections incorporated in this title, were omitted because adequately covered by this section. A few exceptions were made, (1) where the conspiracy would constitute the only offense, or (2) where the punishment provided in this section would not be commensurate with the gravity of the offense. Special conspiracy provisions were retained in sections 241, 286, 372, 757, 794, 956, 1201, 2271, 2384 and 2388 of this title. Special conspiracy provisions were added to sections 2153 and 2154 of this title.

AMENDMENTS

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

§ 372. Conspiracy to impede or injure officer

If two or more persons in any State, Territory, Possession, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from



Tab 23

Tracking Number	Type	Track	Submitted Date	Due Date	Phase	Detail
DOI-AP-2019-006951	Appeal	N/A	9/14/2019	10/15/2019	Assignment	<p>Request Type: FOIA; Basis for Appeal: Please find enclosed, "19_09_13_Expedited_Processing_denied" stating, 1. a. "Your request for expedited handling of your appeal is denied. You have not provided a statement certified to be true and correct" b. In order to submit a request through FOIA online, users must click a check box certifying that under penalty of perjury, the user certifies the statements to be true and correct as a function of submitting the FOIA request.2. a. "nor have you explained which of the four expedited processing standards set forth in the Department of Justice regulations would apply to your appeal. See 28 C.F.R. 16.5(e)(3)." b. 28 C.F.R. 16.5(e)(1)(iii) The loss of substantial due process rights; https://constitutioncenter.org/interactive-constitution/interpretation/amendment-xiv/clauses/701 i. (bullet point two) "individual rights listed in the Bill of Rights,..." 1) See enclosed, "Bill of Rights" p. 2, highlighted "Congress shall make no law ...or abridging the... or the right of the people...to petition the government for a redress of grievances." 2) See enclosed, "2008_House_Ethics_Manual - Casework " a) contents, p. ix b) p. 299 - 312 repeatedly emphasizing that the correct venue for the redress of grievances as the constituent's congressional office c) p. 355, Code of Ethics for Government Service highlighted 3) See enclosed, "19_07_22_VB_PD_Macapobre" where Congressman Luria had me arrested for trespassing for attempting "to redress grievances with the government" because I tried to show her the enclosed, "19_07_22_SBA-2019-000200 to VA-02" unequivocally proving that the DLA willfully misrepresented fact in response to Congressional inquiry on my behalf to conceal wrong doing. in and of itself a self-evident a) loss of my due process rights b) violations of 18 USC Â§ 1512(b)(3). & 1513(e). See enc "18 USC...73"</p>

Request Type: FOIA; Basis for Appeal: Please find enclosed, "Final Response (19-0IG-280)" where Kim Kochurka / Government Information // Specialist Office of the General Counsel will full misrepresents Exemptions 6 and 7(C) of the FOIA, 5 U.S.C. Â§ 552(b)(6), b(7)(C) for the purposes of concealing the identities of those cooperating in a conspiracy to conceal wrong doing pursuant to 18 U.S.C 371 & 18 USC Ch. 73, stating, "Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties." Please find the contents of the enclosed, "Final Response (19-0IG-280)" where the identities of the individuals sending the correspondence are redacted. Personal privacy pertaining to medical records is pursuant to HIPPA laws. The identities of tax payer funded government employees, their e-mail addresses, and phone numbers acting in a professional capacity in a public servant is diametrical to personal privacy. It, by definition, is professional and open source. Further, please find "19_09_11_1303_Kim Kochurka_Office of General Counsel" where Ms. Kochurka states that her office will not release the names of their agents because they are "super secretive and confidential". On the contrary, they're not. The only plausible reason Ms. Kochurka would omit those names is because she's aware that those individuals are participating in a criminal conspiracy and the disclosure of those names would open her colleagues up to criminal prosecution. The records in response to this FOIA request has also been handled woefully out of compliance with Title 5 Â§ 552(a) (6)(i): timeliness. Please provide all records at the DOJ pertaining to JEQ&Co as it pertains to DLA, SBA, GAO, FBI sans redactions of names and POC info

DOJ-AP-2019-006923	Appeal	N/A	9/12/2019	10/10/2019	Assignment
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Request Type: FOIA; Description: Communication pertaining to requester's inquiry with the Office of Privacy and Civil Liberties (see attached request) See attached 1)"https www.justice.gov opcl privacy-act-1974" DOJ website stating "Any questions regarding the Overview (OF THE PRIVACY ACT) may be directed to the Office of Privacy and Civil Liberties staff" providing the e-mail address 'privacy@usdoj.gov' as a point of contact2) "19_07_01_12th_request" demonstrating that I have ask privacy@usdoj.gov for answers to the question "Are you able to tell me in a nutshell whether the inclusion of the privacy act release cover sheet as seen in the attached '19_05_04' compels members of Congress to act on a constituents behalf?" at least 12 times dating back to May 17th and have never received a response.containing the attached3) "Attention Peter Winn & Kathy Harman-Stokes"Please provide portions of the privacy act addressing my question within "Attention Peter Winn & Kathy Harman-Stokes" and internal e-mail communications between Department of Justice (DOJ) Staff as well as external e-mail communications between DOJ and other federal agencies sufficient to determine the reasons my question is not being answered.

DOJ-2019-005688 Request Simple 7/2/2019 7/31/2019 Processing

Request Type: FOIA; Basis for Appeal: In the letter, attached, Mr. Krebs states, "This is a final action on this above-numbered request if you are not satisfied with myresponse to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, DC 20530-0001, or you may submit an appeal through OIP's FOIAonline portal by creating an account on the following web site: https://foiaonline.regulations.gov/foia/action/public/homePlease find attached "invalid web address" showing that statement to be a misrepresentation of fact

EOUSA-2019-003611 Appeal N/A 7/5/2019 8/2/2019 Evaluation

EOUSA-2019-003610	Appeal	N/A	7/5/2019	8/2/2019	Submitted	<p>Request Type: FOIA; Basis for Appeal: This FOIA Request was for "Documents sufficient to determine the names, Titles, e-mail addresses, office phone numbers, government provided cell phone numbers for the entire Federal Bureau of Investigation and Department of Justice" The letter attached makes reference to the FBI but doesn't address Documents sufficient to determine the names, Titles, e-mail addresses, office phone numbers, government provided cell phone numbers for the entire Department of Justice. Please expedite the records and waive any fees for this request as I am the victim of a crime and my due process rights are being severely affected as explained in the attached,</p> <p>"19_07_05_1529_JEQ&Co_reply_to_eric_Powers_letter_rejecting_expedite_req" referencing other attachments I've included.</p>
EOUSA-2019-003605	Appeal	N/A	7/5/2019	8/2/2019	Evaluation	<p>Request Type: FOIA; Basis for Appeal: In your letter, attached, you are saying, "We are routing your request to the below component for processing..." and to my knowledge, no records have been provided. So why would the FOIA request be "closed"</p> <p>Request Type: FOIA; Description: Documents sufficient to determine the names, Titles, e-mail addresses, office phone numbers, government provided cell phone numbers for the entire Federal Bureau of Investigation and Department of Justice</p>
EOUSA-2019-003585	Request	Simple	7/2/2019	N/A	Closed	<p>Request Type: FOIA; Description: Documents sufficient to determine which law enforcement agencies are able to refer cases to the US Attorney's Office</p>
EOUSA-2019-003584	Request	Complex	7/2/2019	7/31/2019	Closed	<p>Request Type: FOIA; Description: records sufficient to determine taxpayer provided e-mail addresses, Office lines, cell phone numbers for all individuals within the FBI Inspection Division</p>
EOUSA-2019-003555	Request	Simple	7/1/2019	N/A	Closed	

DLA-DSERV-2019-00339	Request	Simple	8/4/2019	9/9/2019	Closed	<p>Request Type: FOIA; Description: Please find attached Supporting Files1) "19_06_27_1812_Unruh_report-being_Finalized" where Deputy Inspector General, Investigations (DIGI) Jerold Unruh states on 06/27/19 that "The DLA OIG Report of Investigation 2018-DLA-PRE-0163 is being finalized." and "...I will provide you with the FOIA POC here at HQ, DLA once the report is available." Mr. Unruh never followed through on that commitment.2) "19_07_01_Contemporaneous_Notes_Conversation_DLA_DIGI_Unruh" p. 2, where in my contemporaneous notes in regard to our conversation I made a record of DIGI Unruh having committed to providing me a copy of the report at no cost to JEQ&Co. I have also included all of the attachments seen in that e-mail3) "19_07_09_1209_Unruh_report_being_finalized"4) "19_07_24_1427_Unruh_Commitment_FOIA"Please provide the DLA OIG Report of Investigation 2018-DLA-PRE-0163 as well as any records considered as factual premises when reaching the conclusions that went into The DLA OIG Report of Investigation 2018-DLA-PRE-0163</p>
DLA-TS-2019-002901	Request	Complex	5/21/2019	6/21/2019	Closed	<p>Request Type: FOIA; Description: The address above was autopopulated and is incorrectProtest decision that was provided to JEQ&Co as a result of JEQ&Co's HUBZone status protest filed timely with DLA on September 25, 2017</p>
DLA-TS-2019-002900	Request	Complex	5/21/2019	6/20/2019	Closed	<p>Request Type: FOIA; Description: in regard to DLA PR 00703520111 1. DLA Land and Maritime contracting officer's submission, referral, forwarding of the protest to AA/HUB, U.S. Small Business Administration (SBA), 409 3rd St, SW, Washington, DC 20416 in accordance with FAR Â§19.306(e)</p>
DLA-TS-2019-002822	Request	Simple	5/9/2019	N/A	Closed	<p>Request Type: FOIA; Description: documents sufficient to determine the 1) legal and factual considerations taken into account within DLA Case No. DLA-PRE-01632) current status of complaint number DLA OIG Case No. DLA-PRE-0163</p>
DLA-TS-2019-002816	Request	Complex	5/8/2019	N/A	Closed	<p>Request Type: FOIA; Description: The autopopulated address appearing above is incorrect. Please send all records back in an electronic format</p>

DLA-TS-2019-002634	Request	Complex	4/22/2019	N/A	Closed	Request Type: FOIA; Description: The address above is autopopulated and JEQ&Co cannot change it. It should read 7761 HW 87 SFayetteville, NC 28306 Please find enclosed p 2 "Confirmation of Report Requirement" stating, in part: "You should notify all intervenors that this protest has been filed and to communicate directly with us if they wish to intervene in the protest." in compliance with Title 4 Â§21.3 (a)" ..The agency shall immediately give notice of the protest to the awardee if award has been made or, if no award has been made, to all bidders or offerors who appear to have a substantial prospect of receiving an award. "Please provide the notices DLA sent to all bidders or offerors Please provide notices sent to intervenors upon DLA's receipt of "Confirmation of Report Requirement"
						Request Type: FOIA; Description: The automatically populated address above is incorrect. It should read: JEQ&Co LLC 7761 NC HW 87 S Fayetteville, NC 28306 Please find attached: in regard to DLA PR 0070352011 1. DLA Land and Maritime contracting officer's submission, referral, forwarding of the protest to AA/HUB, U.S. Small Business Administration (SBA), 409 3rd St, SW, Washington, DC 20416 in accordance with FAR Â§19.306(e) 2. The determination reached by the SBA and provided to DLA Land and Maritime in accordance with FAR Â§19.306(g) 3. In accordance with Â§33.103(h) DLA Land and Maritime's a. Protest decision that was provided to JEQ&Co where the document's properties show a date of creation in 2017b. Evidence of JEQ&Co's receipt of that protest decision where the document's properties show a date of creation in 20174. Records associated with SPE7M017P5417 modifications to include a. SPE7M017P5417 / 00001 b. SPE7M017P5417 / 00002 c. E-mails between the DLA Land and Maritime and CAGE 4VU52 explaining the reasons for the modifications
DLA-LANDM-2019-00262	Request	Complex	4/19/2019	N/A	Closed	

Request Type: FOIA; Description: The autopopulated address above is incorrect. The correct address should read Primary Business Address: JEQ&Co LLC 7761 NC HW 87 S Fayetteville, NC 28306Please find enclosed the Quote Search Results in the Defense Logistics Agency's (DLA) web based procurement platform DLA Internet Bid Board System (DIBBs) showing all solicitations JEQ&Co, CAGE 7B1T4 has made an offer under between April 02, 2018 and today's date.Please provide similar Quote Search Results records in the Defense Logistics Agency's (DLA) web based procurement platform DLA Internet Bid Board System (DIBBs) for the following three CAGE Codes 1. ORF16, 2. 1L3U4, 3. 6FN58 between April 02, 2018 and today's date.

Request Type: FOIA; Description: The autopopulated address above is incorrect. The correct address should read Primary Business Address: JEQ&Co LLC 7761 NC HW 87 S Fayetteville, NC 28306Please find enclosed the Quote Search Results in the Defense Logistics Agency's (DLA) web based procurement platform DLA Internet Bid Board System (DIBBs) showing all solicitations JEQ&Co, CAGE 7B1T4 has made an offer under between April 02, 2018 and today's date. 18 of the 34 (52.94%) solicitations show that the solicitation was removed or cancelled.Please provide original records created by the contracting officers justifying the removal or cancellation of those solicitations where the properties of those records demonstrate the date of creation of those records.Please expedite the provision of these records in accordance with Title 32 Â§286.8(e)(1)(ii)(A) the imminent loss of due process rights. Expedited processing is granted to a requester if loss of substantial due process rights is imminent. (DLA OIG case 2018-DLA-PRE-0163)

DLA-TS-2019-002570	Request	Simple	4/15/2019	N/A	Closed
DLA-TS-2019-002569	Request	Complex	4/15/2019	N/A	Closed

DLA-HQ-2019-002495	Appeal	N/A	4/6/2019	5/8/2019	Closed	<p>Request Type: FOIA; Basis for Appeal: The address listed above is incorrect and autopopulated by foiaonline.gov. It should read JEQ&Co LLC 7761 NC HW 87 S Fayetteville, NC 28306 Please provide 1) the original MEMORANDUM FOR RECORD as seen on p. 3 of the attached "19-1830 final response queern" so that the date of the documents creation can be seen in its properties2) with a screen shot from EBS demonstrating the date of the documents creation. Please do not include either as enclosures to a letter if the date of the document's creation in its properties is other than November 30, 2018, please also include a letter detailing which individuals at DLA other than Chief of Staff Robert Ratner participated in the willful falsification of records in response to a Congressional FOIA Inquiry. Thank you,</p>
						<p>Request Type: FOIA; Basis for Appeal: Please find the attached referenced "Agency_Motion(sic)_to_Dismiss,_Reacted_Copy_B-417383.1" p.5, footnote 3 where DLA Counsel, Lynne Georges states "It should be noted that one of the timely received quotes was inadvertently missing from the FOIA response, from CAGE 6FN58, R M Government Services, Inc. (TAB 13)" Presumably Ms. Georges referenced TAB 13 as a demonstration that the inadvertently missing record exists. Please find attached "Tab 13..." as provided by Ms. Georges. It is a copy of the GAO HUBZone status protest filed by JEQ&Co that - contrary to Ms. Georges suggestion - does provide the records released in response to DLA-TS-2019-001829 but those records do not include an inadvertently missing DIBBS Submitted Quote Summary from CAGE 6FN58, R M Government Services, Inc. (TAB 13). Please provide 1) the inadvertently omitted DIBBS Submitted Quote Summary from CAGE 6FN58 and 2) a screen shot within EBS demonstrating the date and time of the record's creation or a letter from the DLA FOIA Office stating that Ms. George's statement "It should be noted that one of the timely received quotes was inadvertently missing from the FOIA response, from CAGE 6FN58, R M Government Services, Inc. (TAB 13)" within "Agency_Motion(sic)_to_Dismiss,_Reacted_Copy_B-417383.1" is a willful misrepresentation of fact in front of the Government Accountability Office. The address provided above was auto populated by FOIAonline.gov. It should read 7761 NC HW 87S Fayetteville, NC 28306</p>
DLA-HQ-2019-002494	Appeal	Complex	4/6/2019	5/7/2019	Closed	

DLA-HQ-2019-002279	Appeal	N/A	3/15/2019	4/12/2019	Closed	Request Type: FOIA; Basis for Appeal: Congresswoman Luria would like to know how do you falsify these records with so much money? It's always so obvious. And Mr. Ratner had to know about Ms. Dixon's prior falsification of prior records in response to congressional FOIA so why did he throw his lot in on doing crime as well? You don't have to answer those questions but please think about the questions and send me the record.
DLA-TS-2019-001830	Request	Complex	2/9/2019	4/12/2019	Closed	Request Type: FOIA; Description: Contract SPE5E319V2267 was cancelled at no cost or liability to the Government or contractor. Please find enclosed SPE5E319V2267 / P00001 p. 2. Please provide records of "DLA emails to contractor dated 28 November 2018. Contractor (Tammy Dalfonso) email dated 28 November 2018." As well as any other records associated with the cancellation of SPE5E319V2267 in accordance with Â§13.302-4, "Â§12.403 and Â§52.212-4(l) or (m) for commercial items" to include invoices from the contractor to the DLA, accounting records showing any payment to CAGE 5D4G2 associated with the cancellation of SPE5E319V2267
DLA-TS-2019-001829	Request	Complex	2/9/2019	3/28/2019	Closed	Request Type: FOIA; Description: please provide appropriately redacted records of all DIBBs submitted quote summaries under solicitation no. SPE5E3-19-T2927
DLA-TS-2019-001825	Request	Complex	2/8/2019	3/19/2019	Closed	Request Type: FOIA; Description: please provide appropriately redacted records of all DIBBs submitted quote summaries under solicitation no. SPE5E3-19-T-0720

DLA-HQ-2019-001704	Request	Simple	1/30/2019	N/A	Closed	<p>Request Type: FOIA; Description: Please do not ask Mr. Collier to provide these records to prevent any falsification of records. Please be able to provide demonstrable proof of when the records were created by Mr. Collier if any exist. More than likely there will be no records fitting the following criteria. If that is the case, please just provide a letter stating that no records fitting this criteria exist. Please provide all 1) records of e-mails fitting the following criteria drafted by Raymond W. Collier Special Agent (614) 692-3698 (Desk) (614) 692-3699 (Fax) (614) 725-6941 Mobile DSN (850) Investigations Division (ID) Raymond.Collier@dla.mil and sent to anyone with an e-mail domain ending "...sba.gov" 2) records of e-mails received by Raymond W. Collier Special Agent (614) 692-3698 (Desk) (614) 692-3699 (Fax) (614) 725-6941 Mobile DSN (850) Investigations Division (ID) Raymond.Collier@dla.mil from anyone with an e-mail domain ending "...sba.gov" in regard to the attached e-mail "Criminal Allegation against DLA" drafted by Raymond Collier to Jacob Queen Tue 1/22/2019 7:57 AM</p>
DLA-TS-2019-001584	Request	Complex	1/18/2019	3/1/2019	Closed	<p>Request Type: FOIA; Description: solicitation SPE5E319T0720 was cancelled after opening 214.404 Rejection of bids. 214.404-1 Cancellation of invitations after opening. (1) The contracting officer shall make the written determinations required by FAR 14.404-1(c) and (e)(1). Please provide all paperwork demonstrating the contracting officer's written determination required by FAR 14.404-1(c) and (e)(1).</p>
DLA-TS-2019-001582	Request	Complex	1/18/2019	3/1/2019	Closed	<p>Request Type: FOIA; Description: solicitation SPE5EC-18-T-0710 was cancelled after opening 214.404 Rejection of bids. 214.404-1 Cancellation of invitations after opening. (1) The contracting officer shall make the written determinations required by FAR 14.404-1(c) and (e)(1). Please provide all paperwork demonstrating the contracting officer's written determination required by FAR 14.404-1(c) and (e)(1).</p>

Request Type: FOIA; Description: Because JEQ&Co has exposed the DLA FOIA office for having falsified numerous documents, the DLA FOIA Office is no longer honoring FOIA Requests from JEQ&Co or responding to any correspondence from JEQ&Co. The following documents have already been requested from the DLA through Col. Sean Davis. Col. Davis passed that request on to the DLA Director of Acquisition, Matthew Beebe, who has claimed that he is ignorant as to how to obtain them. Heâ€™s lying. Please provide all âœDIBBs Submitted Quote Summariesâœ redacted as necessary but demonstrating CAGE codes for all offerors for the following solicitations: 1. SPE5E318T269G 2. SPE5E319T1809 Please also provide the referral to the SBA required IAW FAR Â§19.306 & Title 13 Â§126.801(e) corresponding to the HUBZone status protests of 1. SPE5E318T269G 2. SPE5E319T1809

DLA-TS-2019-001575 Request Complex 1/17/2019 3/12/2019 Closed

Request Type: FOIA; Description: FOIA Office: 6th request since September 1st, 2018. (see Requests: "...5416", "...5417", "...5667" and appeals: "000220" and "...000345") Please provide all records of "ORDER FOR SUPPLIES OR SERVICES" and its corresponding "REQUEST FOR QUOTATIONS" and the appropriately redacted "DIBBs Submitted Quote Summary" provided by any of the following CAGE codes: 1) ORF162) 1L3U43) 6FN58 that share the following criteria: 1) Between the dates of April 15, 2017 and December 6, 2018 2) The total value of the ORDER FOR SUPPLIES OR SERVICES was less than or equal to \$25,000.003) The corresponding REQUEST FOR QUOTATIONS contained procurement note L124) The ORDER FOR SUPPLIES OR SERVICES was made to a Small Business Concern (SBC) that was not HUBZone Certified 5) The offer provided by CAGEa) ORF16b) 1L3U4c) 6FN58 was made i) prior to the return by date specified on page 1, in block 10 or ii) if not prior to the return by date specified on page 1, in block 10; prior to the date of the successful offeror

DLA-TS-2019-000980 Request Complex 12/6/2018 N/A Closed

DODOIG-2019-000903	Request	Complex	7/18/2019	8/15/2019	Processing	<p>Request Type: FOIA; Description: In regard to the attached "20181210200624926...Complaint" please provide 1) records sufficient to determine how a decision was made to a. refer the complaint to the DCMA as stated in the enclosed "19_01_09_1452_20181212-055266_Closed"b. Refer the matter to the DLA OIG as stated in the enclosed "r_DODOIG-2019-000680... Final" "DLA- Office of Inspector General (DLA- OIG) that it received the complaint and is looking into the matter, reference 2018-DLA-PRE-0163."c. given that i. within the enclosed, ""20181210200624926 ... Complaint" specifically names DLA Inspector General (IG) Rigby (p. 4) & Deputy IG Unruh (p. 5) as wrongdoing persons 10 & 11 respectively.ii. And the enclosed "r_DODOIG-2019-000680... Final" also states that "DCMA is not looking into these issues..Queern has also filed a complaint with the (FBI) ... On January 22, 2019, the RA reached out to the FBI Norfolk and was informed that it will not be initiating an investigation. "iii. leaving wrongdoing person 10 & 11 as cited in the complaint as the only agents of oversight 2. Records sufficient to determine how a decision was made to trust individuals already demonstrably participating in a criminal cover-up of improper procurement practices to investigate those improper procurement practices?3. p. 1 of "20181210200624926...Complaint" states that I would be notified of when the case closed and instructions on how to submit a foia request. Please provide records sufficient to determine why that notification was never sent.4. "18_12_03_1700_JEQ...DLA_OIG" unequivocally demonstrates DLA Deputy IG Unruh's statement in the enclosed "r_DODOIG-2019-000680... Final" "There is no evidence to support any allegation concerning the senior official so this matter was not referred to DoD IG Senior officials." to be a willful misrepresentation of fact violating 18 USC 1001 & 18 USC 73. Please provide records sufficient to determine what criminal action is being taken against Mr. Unruh.</p>
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DODOIG-2019-000850	Request	Complex	7/2/2019	8/1/2019	Processing	<p>Request Type: FOIA; Description: Please provide 1) a. i. the referrals provided to the DOD OIG by the SBA OIG where the record's properties indicate a date of creation on or before April 11, 2019.i. documents sufficient to determine case statusb. if no such record exists, provide i. a letter stating that Travis Farris, SBA OIG General Counsel made a false statement for the purposes of further covering up improper procurement practices at DLA ii. a letter from the DOD OIG to the Acting Sec Def recommending extraordinary contractual action in accordance with FAR part 50 in the amount of thrice the average revenues generated by JEQ&Co's HUBZone Certified Competitors at DLA (by CAGE Code: 1L3U4, OREY5, 6FN58) between the dates of March, 2017 to presentiii. forms required by the DoD for direct deposit of the funds 2) Copies of indictments of 18 USC 1001, 18 USC 371, 18 USC 73 for all indicted parties. Thank you.</p>
DODOIG-2019-000680	Request	Complex	5/15/2019	6/13/2019	Closed	<p>Request Type: FOIA; Description: a copy of 1) documents considered as fact in reaching the conclusions of case number 2019000722-60NF-U0/X and 2) documents sufficient to determine the current status of complaint number 2019000722-60NF-U0/X</p>
SBA-2019-000677	Request	Simple	6/30/2019	N/A	Evaluation	<p>Request Type: FOIA; Description: Please find p. 2, highlighted, of the attached "19_04_18_DLA Signed Response" where in response to Congressional Inquiry on behalf of JEQ&Co, Defense Logistics Agency Director of Acquisitions asserts that "It is not uncommon or DLA to file (HUBZone status protests)..., SBA provided the following data regarding the DLA's HUBZone challenges, listed by year and challenges respectively:2015 - Four2016 - Zero2017 - One 2018 - Four" That data is incongruent with the records produced in response to SBA FOIA request SBA - 2019-000200 that conclusively showed there have only been 9 HUBZone status protests that were initiated by any federal government contracting activity against any HUBZone Certified Concern since the inception of the HUBZone program in 1998. Of those 9 HUBZone status protests, only two were filed by the DLA and both were in June of 2018. Please provide the correspondence referenced by Mr. Beebe. If that correspondence was made by e-mail, please save the original e-mail as an "Outlook item" and send the Outlook item as an attachment in your coverletter e-mail. Thank you</p>

SBA-2019-000676	Request	Simple	6/30/2019	N/A	Evaluation	Request Type: FOIA; Description: Please find enclosed, "19_06_27_SBA_OIG_GC_Farris" where Counsel to the SBA Office of Inspector General (OIG), Travis Farris, states, "SBA OIG referred the DOD specific components of your complaint to both the DOD OIG and the DLA OIG on April 11, 2019, in addition to the SBA OGC referral noted in your e-mail below. DLA was not the only DOD component Inspector General to receive the allegations." Please find enclosed
						"19_06_28_1600_JEQ&Co_To_SBA_OIG_GC_Farris" where in reply to SBA OIG Counsel Farris, Jacob Queern of JEQ&Co requests that Mr. Farris "...provide 1. forwards of the original e-mails as Outlook items containing the referrals referenced below at your earliest convenience 2. the point(s) of Contact in the SBA OIG GC who would have knowledge of your referral to include name, e-mail, and phone" with Oreoluwa (Ore) FasholaChief, Freedom of Information & Privacy Act (FOI/PA) Office of Hearings and Appeals (OHA) U.S. Small Business Administration (SBA) copied as Cc Please find enclosed "19_06_28_1610_JEQ&Co_To_SBA_OIG_GC_Bates" where Jacob Queern of JEQ&Co forwards the e-mail of SBA OIG Counsel Farris to SBA alternate OIG Counsel, Bates, requesting "Please provide 1. forwards of the original e-mails as Outlook items containing the referrals referenced below at your earliest convenience 2. the point(s) of Contact in the DOD OIG, SBA OIG GC who would have knowledge of your referral to include name, e-mail, and phone" with Oreoluwa (Ore) FasholaChief, Freedom of Information & Privacy Act (FOI/PA) Office of Hearings and Appeals (OHA) U.S. Small Business Administration (SBA) copied as Cc
SBA-2019-000588	Appeal	N/A	5/22/2019	6/20/2019	Assignment	Request Type: FOIA; Basis for Appeal: Please find enclosed
SBA-2019-000543	Appeal	N/A	5/6/2019	6/4/2019	Evaluation	Request Type: FOIA; Basis for Appeal: The Address of the business populated within this request is in error. It was auto populated and I am unable to edit the information. Please find enclosed Help with a Government Agency, Appeal of the records released in response to FOIA Request SBA-2019-000200 dated May 6th, 2019
SBA-2019-000471	Request	Simple	4/9/2019	5/22/2019	Closed	Request Type: FOIA; Description: The address appearing above was autopopulated. It should read 7761 NC HW 87 SFayetteville, NC 28306 Please provide All 1) original e-mails in Microsoft Outlook Item format containing any attachments included within the e-mail pertaining to SBA OIG investigation of the following SBA OIG Complaint IDsa. 201902256y0i submitted February 25, 2019b. 20190231 submitted March 18, 2019

Request Type: FOIA; Basis for Appeal: This FOIA makes no reference to the creation, compilation or attainment of records by the Department of Defense. It is simply a request for all records of ORDERS for Supplies and Services that meet the following criteria....

DLA-HQ-2019-000345 Appeal N/A 10/10/2018 11/7/2018 Assignment

Request Type: FOIA; Basis for Appeal: Hello, In the attached notification of improper FOIA Request, Ms. Brown states, "The Department of Defense Freedom of Information Regulation 5400.7-R, Section C1.5.7.1 states that a record must exist and be in the possession and control of the Department of Defense at the time of the search to be considered subject to this regulation and the FOIA. There is no obligation to create, compile, or obtain a record to satisfy a FOIA request." This FOIA makes no reference to the creation, compilation, or attainment of records by the Department of Defense. It is simply a request for all records of ORDERS FOR SUPPLIES AND SERVICES that meet the following criteria: 1. Where the solicitation contained procurement note L12 2. Between the dates of January 1, 2016 to present (September 17, 2018) 3. any of the following Small Business Concerns made an offer on the solicitation (represented by CAGE Code): ORF16 1L3U4 6FN58 4. the value of the solicitation was under the set aside threshold (\$25,000.00) 5. the value of the solicitation was above the micro-purchase threshold 6. the solicitation was awarded to a Small Business Concern that was not HUBZone Certified 7. The offer submitted by any of the following Small Business Concerns (represented by CAGE Code) ORF16 1L3U4 6FN58 was made prior to 1500 est on the date listed in block 10 of the solicitation OR prior to the date of the offer made by the eventual awardee. Contrary to Ms. Brown's assertion that this request requires the creation, compilation, or attainment of records by the DoD, this request is far more simple. If records that exist that fit all of those 7 criteria, please send them over. If records to not exist that fit all 7 of those criteria, please issue a letter stating in part that records meeting all 7 of the criteria (please list the criteria in your response) do not exist. That's it. Very simple. Thank you

DLA-HQ-2019-000220 Appeal N/A 10/10/2018 N/A Closed

SBA-2019-000201	Request	Simple	12/8/2018	1/9/2019	Closed	<p>Request Type: FOIA; Description: SBA FOIA (Office of the D/HUB);in an effort to make your record collection easier, I already know there are no records that exist that meet the following criteria. Feel free to look but if you want to speed this up and get it off your plate, you can just issue a letter containing this FOIA request and a statement verifying that no records exist demonstrating the DLA has ever referred any HUBZone status protest to the SBA that were initiated by JEQ&Co LLC / CAGE 7B1T4 IAW IAW Â§126.801(c) and Â§19.306Please provide all records associated with HUBZone status protests to include:1) The referral letter written by the contracting officer IAWÂ§126.801(e) and Â§19.306(f)(2)2) The protest drafted by the interested party, JEQ&Co LLC / CAGE 7B1T4 (if it was included) IAW Â§126.801(c) and Â§19.3063) The notifications from the SBA in regard to the date the SBA received the protest IAW Â§19.306(g) to a) The interested party, JEQ&Co LLC / CAGE 7B1T4b) Contracting Officer4) If present; written determination by DLA Contracting Officer that award must be made to protect the public interest IAW Â§19.306(h)(ii)5) The "After SBA decision" notification from the SBA in regard to determination made by the SBA IAW Â§19.306(i) toa) the contracting officerb) the protester c) the protested concern that fit the following criteria:i) initiated to DLA CO by the interested party, JEQ&Co LLC / CAGE 7B1T4 IAW Â§126.801(c)ii) Referred to the SBA by the Defense Logistics Agency (DLA) Â§126.801(c)(2) & Â§126.801(e) & Â§19.306(f)(1)iii) Time period: anyPlease exclude records of HUBZone status protests that were filed by the interested party, JEQ&Co LLC / CAGE 7B1T4 IAW Â§126.801(c) and referred to the SBA by the interested party, JEQ&Co LLC / CAGE 7B1T4*Hint: both 36-2017 and 43-2017 were referred by the interested party, JEQ&Co LLC / CAGE 7B1T4 and neither 36-2017 and 43-2017 so please omit those recordsThank you for your consideration and I look forward to your</p>
						<p>feedback</p>
SBA-2019-000200	Request	Simple	12/8/2018	1/9/2019	Closed	<p>Request Type: FOIA; Description: since the inception of the HUBZone Program to present, please provide all records of HUBZone status protests filed with the SBA initiated by any government agency against any HUBZone</p> <p>Certified Small Business Concern.</p>

Request Type: FOIA; Description: Please provide a list of contract awards that meet all 6 of the following criteria 1) Where the solicitation contained procurement note L12 2) any of the following Small Business Concerns made an offer on the solicitation (represented by CAGE Code): ORF16 1L3U4 6FN58 3) the value of the solicitation was under the set aside threshold (\$25,000.00) 4) the value of the solicitation was above the micropurchase threshold 5) the solicitation was awarded to a Small Business Concern that was not HUBZone Certified 6) The offer submitted by any of the following Small Business Concerns (represented by CAGE Code) ORF16 1L3U4 6FN58 was made prior to 1500 est on the date listed in block 10 of the solicitation OR prior to the date of the offer made by the eventual awardee.

Request Type: FOIA; Description: Of all FOIA's requested by JEQ&Co, please prioritize this one first prior to addressing any of the others. Thank you. Please provide .pdf copies of contract awards that meet all 6 of the following criteria 1) Where the solicitation contained procurement note L122) any of the following Small Business Concerns made an offer on the solicitation (represented by CAGE Code): ORF161L3U46FN583) the value of the solicitation was under the set aside threshold (\$25,000.00) 4) the value of the solicitation was above the micropurchase threshold 5) the solicitation was awarded to a Small Business Concern that was not HUBZone Certified 6) The offer submitted by any of the following Small Business Concerns (represented by CAGE Code) ORF161L3U46FN58 was made prior to 1500 est on the date listed in block 10 of the solicitation OR prior to the date of the offer made by the eventual awardee.

Request Type: FOIA; Description: Please provide a copy of either the a. post-award modification cancelling contract / Purch Order / Agreement No. SPE7M3-17-P-4126 or b. the receiving report and invoice showing "PAID" from WAWFP. Please only provide copies of records that currently exist in EBS. Do not go out to the floor or contact buyers for these records. If a modification cancelling the contract exist, please provide proof of the date of its creation.

DLA-TS-2018-005417 Request Complex 9/1/2018 N/A Closed

DLA-LANDM-2018-00541 Request Complex 9/1/2018 12/10/2018 Closed

DLA-LANDM-2018-00541 Request Complex 8/31/2018 2/6/2019 Closed

DLA-LANDM-2018-00541	Request	Simple	8/31/2018	11/1/2018	Closed	<p>Request Type: FOIA; Description: Please provide a copy of either the a. post-award modification cancelling contract / Purch Order / Agreement No. SPE7M1-17-P-7893 orb. the receiving report and invoice showing "PAID" from WAWFPPlease only provide copies of records that currently exist in EBS. Do not go out to the floor or contact buyers for these records. If a modification cancelling the contract exist, please provide proof of the date of its creation.</p>
DLA-HQ-2018-005403	Request	Complex	8/31/2018	5/6/2019	Assignment	<p>Request Type: FOIA; Description: JEQ&Co LLC can disseminate this information to the public as a news organization through www.jeqandco.com & the facebook page of JEQ&Co LLC.Please provide records with respect to all CAGE codes of all current or formerly suspected "foreign bad actors" in whatever format the DLA keeps those records.</p>
DLA-LANDM-2018-00533	Request	Complex	8/28/2018	9/28/2018	Closed	<p>Request Type: FOIA; Description: RE: PR 0072294302 solicitation # SPE7L718T1920 NSN 2910009030910 TRACE traceCan you show me the redacted for compliance with FAR 3.104-4 traceability documentation to include authorized dealer/distributor arrangement; and the terms in paragraphs (4.1.3) and (4.1.4) shall apply furnished by CAGE 6FN58 tracing to 60101? I am willing to pay whatever the cost of this FOIA is. Chances are the records do not exist anyway so I am not sure how there could be any charge for you looking into a file and finding that the document isn't there. Remember, as part of the documentation you return to me within this FOIA, I need to see verifiable evidence of when the traceability provided by CAGE 6FN58 and the traceability provided by 7B1T4 were entered into EBS.</p>
DLA-TS-2018-005141	Request	Complex	8/17/2018	9/25/2018	Closed	<p>Request Type: FOIA; Description: please provide the DIBBS Submitted Quote Summary provided by CAGE 1V4T7 for "ORDER FOR SUPPLIES OR SERVICES SPE8E8-18-V-2692". Attached you'll find the Submitted quote summary for the solicitation corresponding to SPE8E8-18-T-5174 as an example. This shouldn't take more than 5 minutes.</p>
DLA-LANDM-2018-00507	Request	Complex	8/14/2018	9/13/2018	Closed	<p>Request Type: FOIA; Description: a) stop work order issued IAW Title 48 U.S.C. Chapter 1 Subchapter E Part 33.1 Subpart 33.1 Â§33.103 & Â§52.233-3b) The Referral to the SBA issued IAW Â§126.801(e)(c) the modification to cancel / terminate the award IAW Â§126.801(d)(3)(1) These documents should come from EBS only. Please do NOT go out to the floor or inquire with any of the following individuals listed on the award</p>

LA-LANDM-2018-00507	Request	Complex	8/14/2018	9/13/2018	Closed	Request Type: FOIA; Description: regarding SPE7M117P7893 0069795152 6115012300677, please provide copies of the following documents by e-mail in .pdf format:a) stop work order issued IAW Title 48 â€ˆ Chapter 1 â€ˆ Subchapter E â€ˆ Part 33 â€ˆ Subpart 33.1 â€ˆ Â§33.103 & Â§52.233-3b) The Referral to the SBA issued IAW Â§126.801(e)c) the modification to cancel / terminate the award IAW Â§126.801(d)(3)(1) These documents should come from EBS only. Please do *NOT* go out to the floor or inquire with any of the following individuals listed on the award
DLA-TS-2018-004956	Request	Complex	8/6/2018	9/18/2018	Closed	Request Type: FOIA; Description: Please see attached.Please send only the requested documentation currently within the EBS system. Please do not "go out to the floor" or consult the buyers for this documentation. If the documentation does exist within EBS, please include demonstrable evidence of when it was placed into EBS.
LA-LANDM-2018-00486	Request	Complex	7/30/2018	10/2/2018	Closed	Request Type: FOIA; Description: Please see attached
LA-LANDM-2018-00486	Request	Simple	7/30/2018	9/27/2018	Closed	Request Type: FOIA; Description: Please find attached
LA-LANDM-2018-00486	Request	Simple	7/30/2018	8/30/2018	Closed	Request Type: FOIA; Description: Please find attached
LA-LANDM-2018-00480	Request	Complex	7/26/2018	8/29/2018	Closed	Request Type: FOIA; Description: Only Stop work orders issued IAW 33.103(f)(3)Submissions to the SBA IAW Â§126.801(c)(2)entered into EBS within a 15 day time frame after JEQ&Co / CAGE 7B1T4 protested the Awards corresponding with the solicitations referenced in the attached.Please do not go out onto the floor or ask buyers and contracting officers for the records if they do not presently exist.If these records exist, please include some verifiable evidence as to when they were input into EBS.
LA-LANDM-2018-00480	Request	Complex	7/26/2018	8/30/2018	Closed	Request Type: FOIA; Description: Internal policy question with respect to Stop Work orders issued IAW Â§33.103(f)(3) and submissions to the SBA IAW Â§126.801 1) Within what length of time (days) after sending a stop work order IAW Â§33.103(f)(3) are procurement professionals required to enter the record into EBS?2) Within what length of time (days) after sending a referral to the SBA IAW Â§126.801 & IAW Â§19.306(f)(1) are procurement professionals required to enter the record into EBS?
LA-LANDM-2018-00479	Request	Complex	7/26/2018	8/30/2018	Closed	Request Type: FOIA; Description: Please find attached. JEQ&Co LLC is only interested in records that existed in EBS prior to 1030est on 07/26/2018. If the records in the attached are present, please provide verifiable evidence that they existed prior to 1030est on 07/26/2018.

SBA-2018-001098	Request	Simple	9/5/2018	10/4/2018	Closed	Request Type: FOIA; Description: Please provide all HUBZone status protests filed at an agency level IAW 49 USC 306 and 49 USC 126.801 with the DLA by any of the following CAGE codes:0RF161L3U46FN58between the dates of June 1, 2017 and the current date
SBA-2018-001045	Request	Simple	8/16/2018	N/A	Closed	Request Type: FOIA; Description: IAW 49 USC 126.801 any HUBZone Status protest filed by any USG Contracting Officer of the HUBZone status of any HUBZone Certified SBC