



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
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