



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

March 31, 2014

Sent Via Facsimile

[REDACTED]

North Miami, FL 33161

FAX: [REDACTED]

RE: HUBZone Protest for Request for Proposals (RFP) [REDACTED]

Dear Ms. [REDACTED]

This office is in receipt of the HUBZone status protest you filed on behalf of [REDACTED] ([REDACTED] concerning the HUBZone status of [REDACTED] ([REDACTED] for the above-referenced RFP. In addition, I am in receipt of the contracting officer's referral letter and the information relating to the acquisition, as required by 13 C.F.R. § 126.801(e). For the reason set forth below, I am dismissing this protest.

The pertinent Small Business Administration (SBA) regulations provide that “[f]or negotiated acquisitions, an interested party must submit its protest by close of business on the fifth business day after notification by the contracting officer of the apparent successful offeror.” 13 C.F.R. § 126.801(d)(1). Any protest submitted after the time limit is untimely, unless the protest is from the 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, [and] any concern that submitted an offer in full and open competition and its opportunity for award will be affected by a price evaluation preference given a qualified HUBZone SBC. . . .” *Id.* § 126.103.

The Department of Defense (DOD) issued RFP [REDACTED] as a negotiated procurement set-aside for HUBZone small business concerns (SBCs). [REDACTED] submitted an offer in response to the solicitation. For purposes of a HUBZone status protest, [REDACTED] is an interested party.

The contracting officer notified [REDACTED] that [REDACTED] was the apparent successful offeror on March 21, 2014. [REDACTED] submitted its protest to the contracting officer on March 24, 2014. Because the protest was submitted within five business days after notification by the contracting



SBA explains on its webpage and even in the HUBZone application that there can be issues with incorrect geocoding or mapping of addresses. For example, SBA’s “Frequently Asked Questions,” posted online and available at <http://www.sba.gov/content/frequently-asked-questions>, explains that SBA’s maps may not always correctly plot every address:

**The HUBZone Maps incorrectly plotted my address. Can you fix the map?**

No mapping platform can accurately plot every address. If you believe the HUBZone Maps have located your office at the wrong place, you can email a detailed description of the error to [Hubzone@sba.gov](mailto:Hubzone@sba.gov) for additional assistance.

As a result, SBA provides different ways to locate an address and plot it on the HUBZone map. Specifically, SBA explains in an online document titled “Geocoding Toolkit,” available at [http://www.sba.gov/sites/default/files/files/HUBZone\\_Geocoding\\_Toolkit.pdf](http://www.sba.gov/sites/default/files/files/HUBZone_Geocoding_Toolkit.pdf), the following:

While there are many free geocoding websites available, in reality most are based on just a few different sources of street network data:

- **TIGER** data is publicly available from the Census. **The HUBZone maps use TIGER data to geocode.**
- **Tele Atlas** data is private data produced and maintained by a Norwegian company.
- **Navteq** data is private data produced by a Chicago-based company

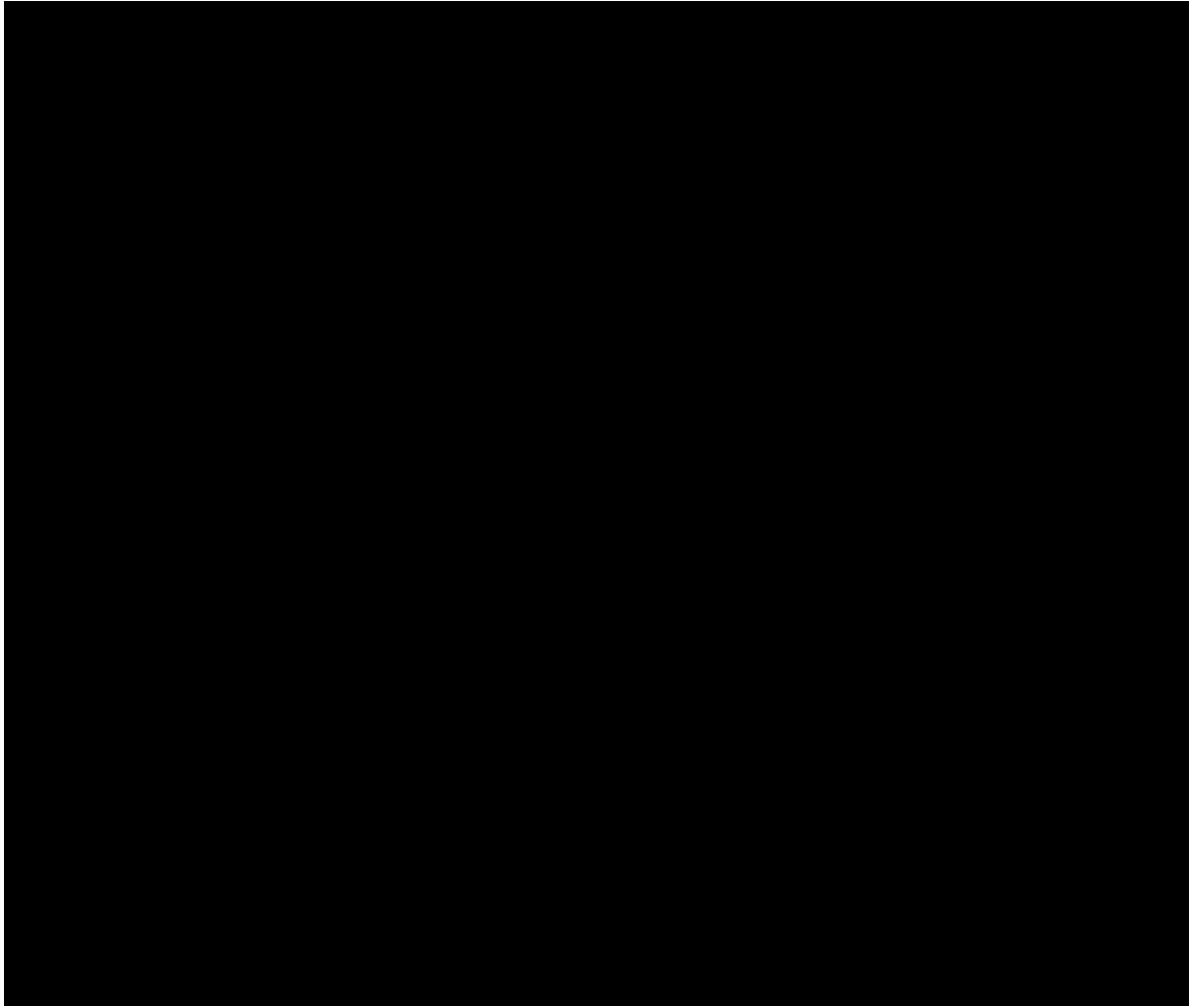
It’s difficult to pass judgment on which one is the “best” geocoding service. We’ll show you how to use familiar tools to plug the geocoding results from each of these data sets into the HUBZone maps to obtain an eligibility result. We use all three services, combined with our best judgment, to make a decision. The backup method is for a local government authority to certify the census tract and county of the address.

In this case, SBA is aware of a geocoding or mapping error concerning the [REDACTED] address.<sup>1</sup> As a result, SBA reviewed the Tele Atlas data, which is available at [www.ffiec.gov/geocode/default.aspx](http://www.ffiec.gov/geocode/default.aspx). According to the Federal Financial Institutions Examination Council’s (FFIEC’s) site, as shown in Figure 2 below, the address [REDACTED] is located in census tract 7009.04 and has the coordinates [REDACTED] latitude and minus [REDACTED] longitude.<sup>2</sup>

<sup>1</sup> SBA was aware of this issue during [REDACTED] recertification into the program.

<sup>2</sup> These coordinates can be found in the following URL:

Figure 2: FFIEC Map Showing [REDACTED]



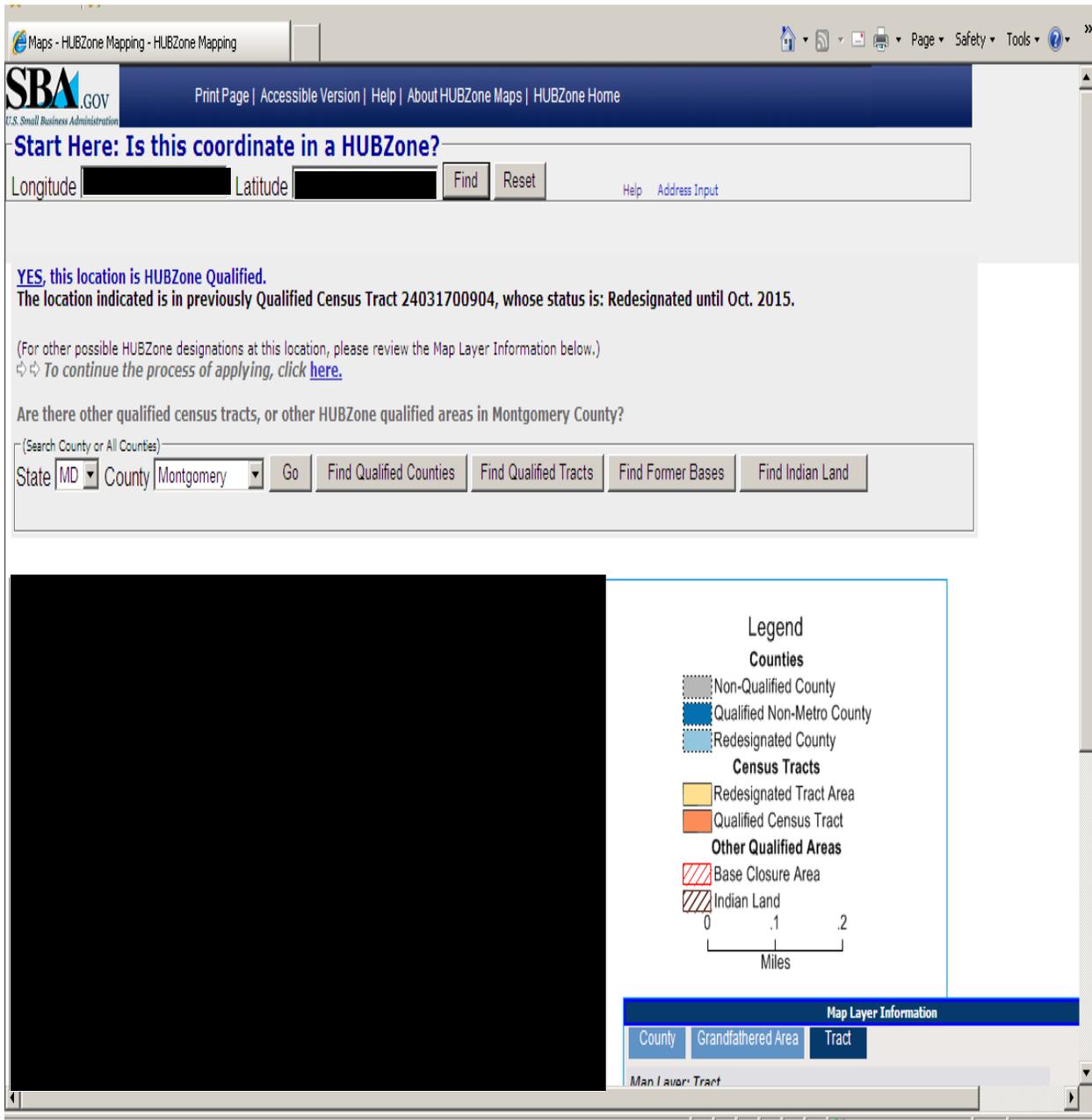
FFIEC's map shows that [REDACTED] is located near [REDACTED] and [REDACTED].

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[http://maps.ffiec.gov/FFIECMap2010/TGMapSrv\\_NoDemo.aspx?street\\_address=\[REDACTED\]  
\[REDACTED\]State\\_abbrev=MD&City=ROCKVILLE&zip\\_code=20852&msa=43524&state=24&county=031&trac  
t\\_bna=7009.04&latitude=\[REDACTED\]&longitude=\[REDACTED\]&census\\_year=2014.](http://maps.ffiec.gov/FFIECMap2010/TGMapSrv_NoDemo.aspx?street_address=[REDACTED]&State_abbrev=MD&City=ROCKVILLE&zip_code=20852&msa=43524&state=24&county=031&tract_bna=7009.04&latitude=[REDACTED]&longitude=[REDACTED]&census_year=2014)

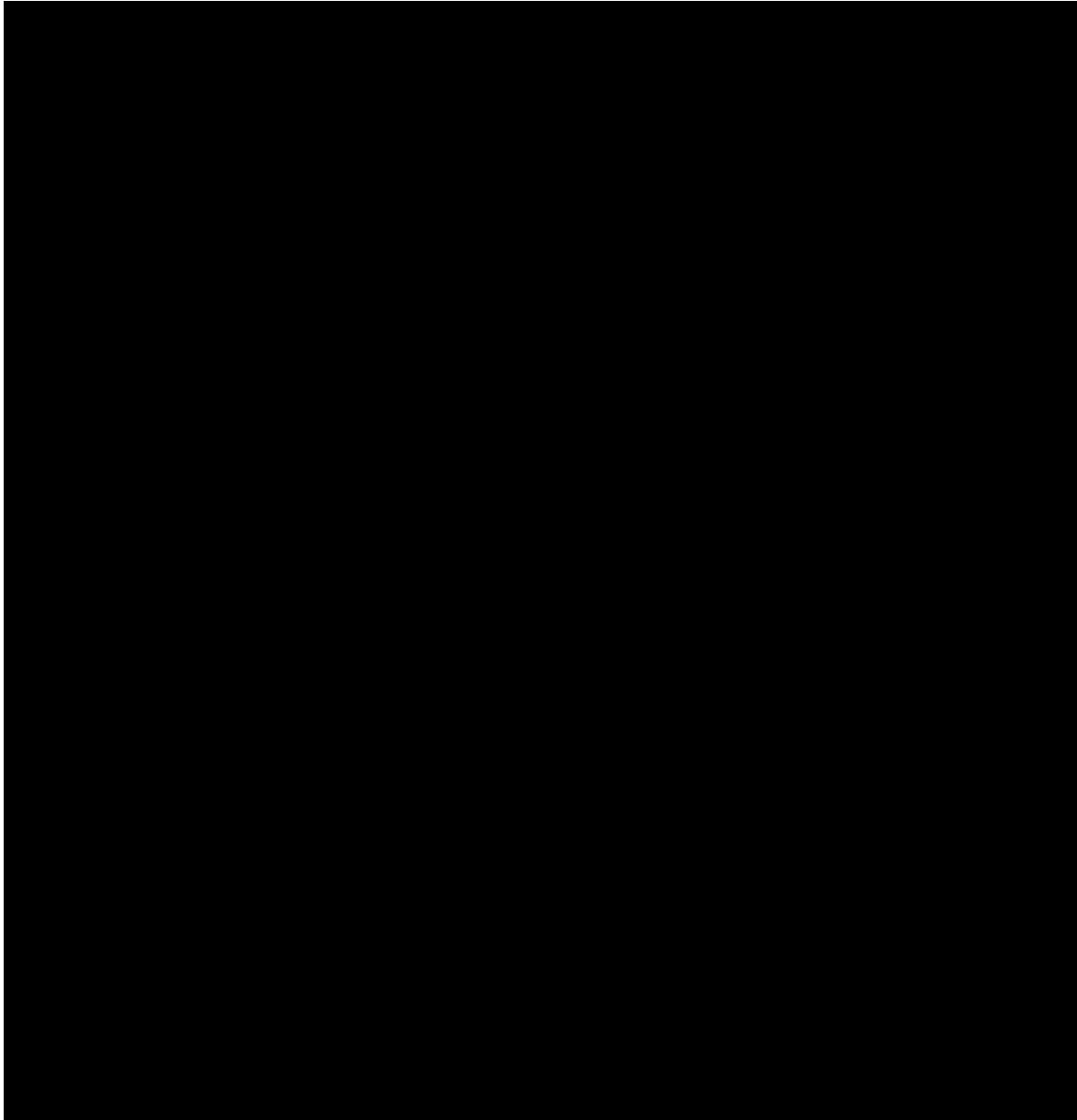
When these coordinates are entered into SBA's HUBZone maps, as shown in Figure 3 below, it shows that [REDACTED] is located in Qualified Census Tract 24031700904, which is a qualified HUBZone (until October 2015). This map, using these coordinates, also shows that [REDACTED] is near [REDACTED] and [REDACTED].

Figure 3: SBA HUBZone Maps Showing [REDACTED] Using Longitude and Latitude



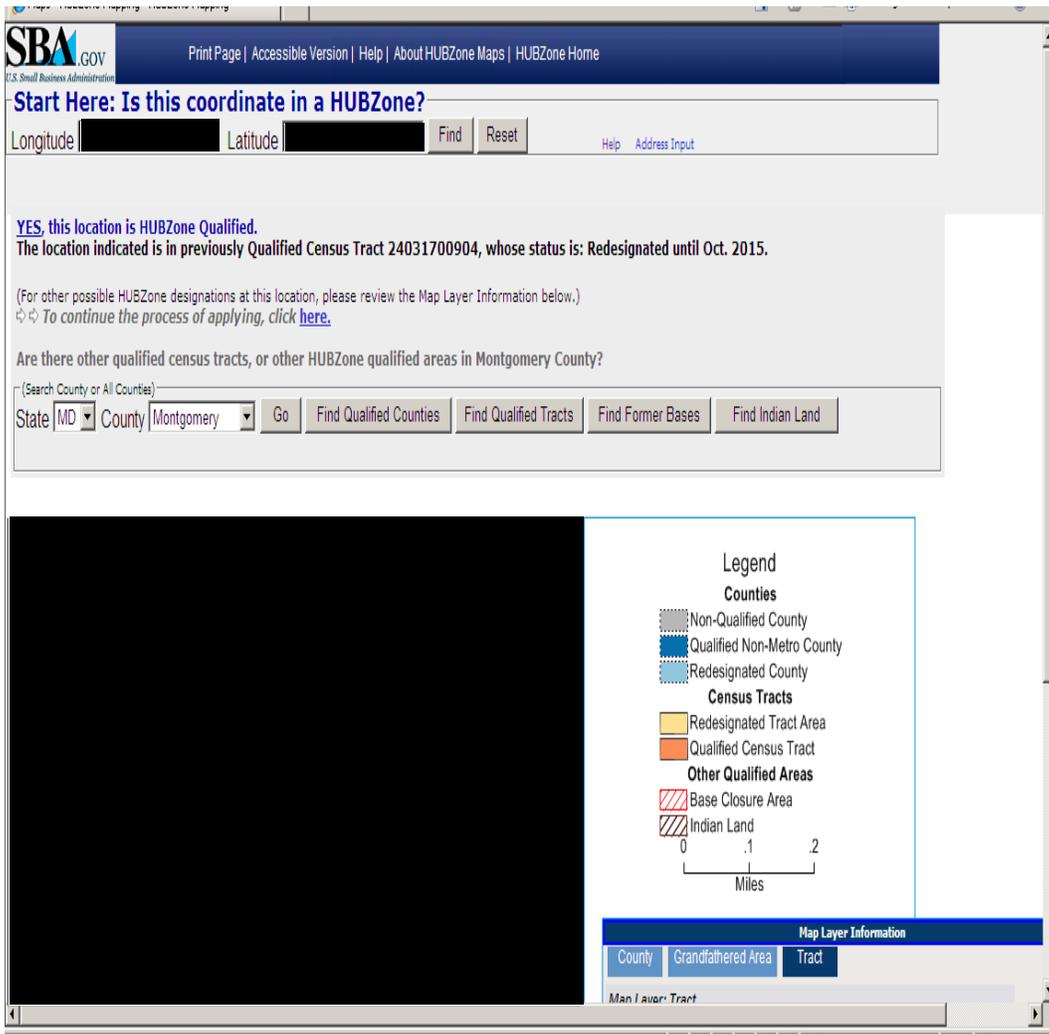
We also used Navteq (Bing) to determine the location of [REDACTED]. According to Bing, as shown in Figure 4 below, the address has coordinates that are similar to the ones above, [REDACTED] latitude and [REDACTED] longitude, and is near [REDACTED] [REDACTED] and [REDACTED].

Figure 4: Bing Map Showing [REDACTED]



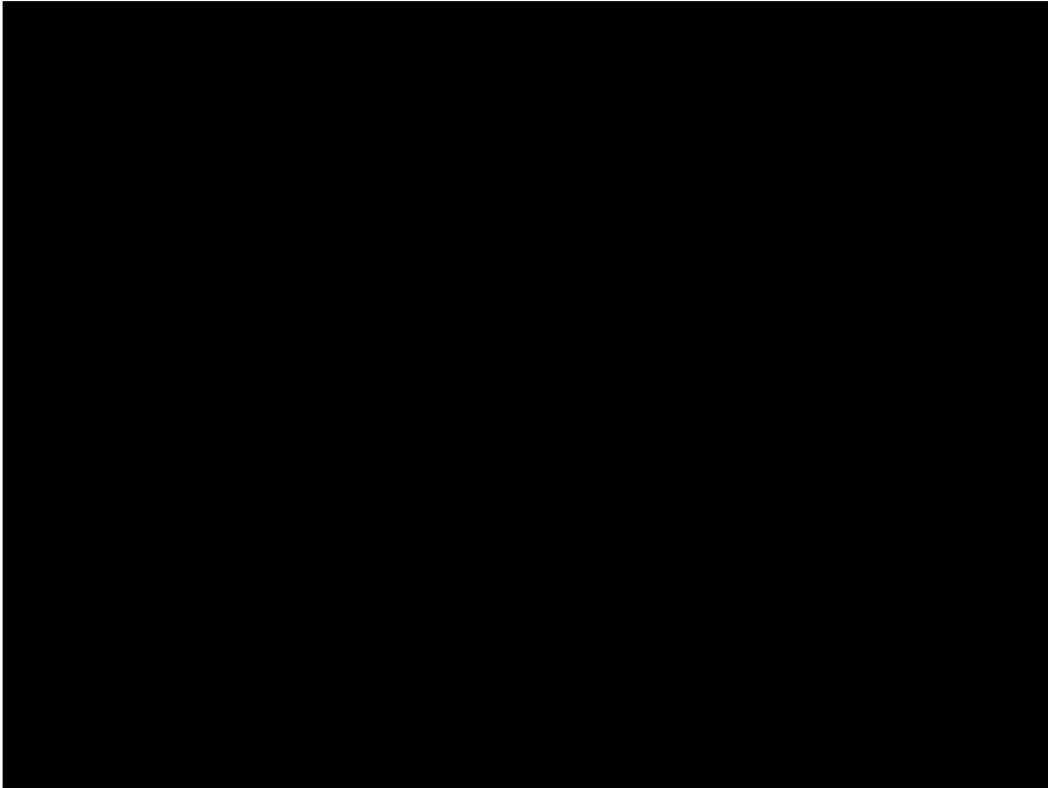
When those coordinates are plotted on the SBA's HUBZone map, it shows that the address is in a qualified HUBZone, and is located near [REDACTED] and [REDACTED]:

Figure 5: SBA's HUBZone Maps Showing Bing Coordinates



Finally, as shown in Figure 6 below, Google maps also show that [REDACTED] is actually several miles north of [REDACTED], where the HUBZone maps plot this address (using the address and not the longitude, latitude).

Figure 6: Google Maps Showing [REDACTED]



Based upon all of this, we have determined that [REDACTED] is actually located north of where the SBA's maps plot this address, when the address is typed in to the system. When the longitude and latitude are used to locate [REDACTED], the SBA's maps show that the address is in a HUBZone. As a result, your protest allegation that this address is not located in a HUBZone must be dismissed.

[REDACTED] 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 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](mailto: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.

In addition, I note that the SBA intends to make its HUBZone status protest and appeal decisions available to the public by posting them on its website at [www.sba.gov/hubzone](http://www.sba.gov/hubzone). The Freedom of Information Act (FOIA), 5 U.S.C. § 552, requires the government to disclose records in its possession unless the information falls under one of the nine-enumerated exemptions, including that the information is a trade secret or is privileged or confidential commercial or financial information (5 U.S.C. § 552(b)(4)), or that the disclosure of the information would constitute an unwarranted invasion of individual privacy (5 U.S.C. § 552(b)(6)). The SBA has reviewed this decision letter and does not believe that any information contained in the decision falls under any of FOIA's exemptions; therefore we may release the decision to the public and post it online.

#### Small Business Regulatory Enforcement Fairness Act

If you believe your small business has been the subject of excessive or unfair regulatory enforcement or compliance actions as a result of this decision, you have the right under the Small Business Regulatory Enforcement Fairness Act to file a complaint or comment with SBA's National Ombudsman at:

Office of the National Ombudsman  
U.S. Small Business Administration  
409 Third St. SW  
Washington, DC 20416  
PH: 1-888-734-3247  
FX: 1-202-481-5719  
EM: [ombudsman@sba.gov](mailto:ombudsman@sba.gov)

The right to file a complaint or comment with SBA's National Ombudsman is independent of any other rights you may have to contest this decision. The National Ombudsman may not change, stop, or delay a Federal agency's enforcement action or impede any administrative or criminal process.

Thank you for your cooperation with this matter. If you have any questions, please contact me at [hzprotests@sba.gov](mailto:hzprotests@sba.gov).

Sincerely,

Mariana Pardo  
Director  
HUBZone Program

cc via facsimile (w/out attachments):

