



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

August 27, 2014

**Sent Via Facsimile and Electronic Mail**

[REDACTED]  
[REDACTED]  
[REDACTED]

Waterbury, CT 06705

Fax: [REDACTED]  
[REDACTED]

RE: HUBZone Protest for Solicitation No. [REDACTED]

Dear Mr. [REDACTED]:

This letter is to notify you that I am dismissing the protest of [REDACTED] concerning the HUBZone status of [REDACTED] for the above-referenced Solicitation.

The Defense Logistics Agency (DLA) issued the solicitation at issue as a sealed bid combined set aside for Service Disable Veteran Owned and HUBZone small business concerns (SBCs). [REDACTED] submitted its bid on July 28, 2014 and DLA's automatic evaluation program identified [REDACTED] as the awardee on July 29, 2014. [REDACTED] submitted HUBZone status to the contracting officer on July 30, 2014. In its HUBZone status protest, [REDACTED] argued that [REDACTED] is not a certified HUBZone concern. Because SBA's records indicate that [REDACTED] is not a certified HUBZone SBC, nor do SBA's records indicate that [REDACTED] has ever applied for HUBZone certification, I requested evidence, including supporting documents, showing that [REDACTED] was a certified HUBZone SBC in compliance with all HUBZone eligibility requirements at the time it submitted its initial offer (July 28, 2011) and at the time of award (July 30, 2014).

On August 15, 2014, DLA issued a modification cancelling the subject award. SBA's regulations state that an interested party may only protest "the apparent successful offeror's qualified HUBZone SBC status." 13 C.F.R. § 126.800(b). Because [REDACTED] is no longer the apparent successful offeror, I am dismissing this protest.

The protester, protested concern, or the contracting officer may appeal this decision dismissing this protest allegation pursuant to 13 C.F.R. § 126.805. All appeals must be made to the Associate Deputy Administrator for Government Contracting and Business Development (ADA/GC&BD) within five business days from receipt of the letter. The appeal may be sent by facsimile, express delivery service, or U.S. mail (postmarked within the applicable period), or via

hand delivery. The ADA/GC&BD may be reached at the U.S. Small Business Administration, 409 3<sup>rd</sup> Street, SW, Suite 8000, Washington, DC 20416, or by facsimile at (202) 205-5206. 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 or the protested concern, whichever applies. I have attached a copy of the appeal procedures.

Please be advised that 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). Therefore, the information you provide in response to this protest may be discussed in the SBA's final decision and available for public review. In addition, the information you provide may be subject to a Freedom of Information Act (FOIA), 5 U.S.C. § 552, request. FOIA requires the government to disclose records in its possession when requested in writing by a member of the public, 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)).<sup>1</sup>

Consistent with FOIA and its exemptions, SBA will not publicly release in its protest determination or any appeal decision the names, home addresses, or specific work schedules of individual employees.<sup>2</sup> However, if you submit any other information that you believe should be protected from public disclosure under the FOIA exemptions, please designate that information as "Confidential" clearly and prominently in your response. If SBA receives a FOIA request for this information, we will consider your designations of confidential information and will provide you with pre-disclosure notification should we deem the information releasable. SBA will also consider these designations before publishing these decisions on its website.

#### 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)

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<sup>1</sup> Further information on how FOIA is administered at SBA is available at <http://www.sba.gov/about-sba-services/foia>.

<sup>2</sup> However, the SBA does release in its protest decisions the total number of employees of the protested concern, the total number of employees that are HUBZone residents, as well as the number of employees that work at a business' different offices.

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:

[REDACTED] Contracting Officer

[REDACTED]