

Small Business/Socioeconomic Issues/Preference Requirements

DENTONS

Overview

Look to Dentons to assist you in the complete panoply of small business issues—size protests, status protests, small business appeals, the 8(a) program, small business subcontracting plans and other small business regulatory requirements—as well as in drafting teaming agreements, subcontracts, joint ventures and other agreements.

If you are protesting or defending small business size protests that are decided by the Small Business Administration (SBA) Area Offices, rely on our extensive experience appealing such decisions to the SBA's Office of Hearings and Appeals (OHA) and interpreting the SBA's complex rules and OHA decisions regarding affiliation. You will have a thorough defense of a size protest at the SBA Area Office, because a company appealing the Area Office decision typically cannot introduce new evidence at OHA, even if the Area Office bases its decision upon grounds not raised in the initial protest.

For those protesting and defending small business status protests, such as service-disabled-veteran- owned small business concerns, small disadvantaged businesses, women-owned small business concerns, historically underutilized business zone small business concerns and veteran-owned small business concerns, look to our lawyers to guide you through each of these programs' complex and differing qualification requirements, as well as appeals of such status decisions.

Our lawyers frequently counsel clients regarding the SBA's 8(a) program, including the 8(a) contractor's unique opportunities to participate in sole-source contracts, set-aside acquisitions and the Mentor/Protégé program, as well as assist 8(a) contractors in understanding the reporting and compliance requirements on the 8(a) program.

Look to us when navigating large and small business concerns regarding the Federal Acquisition Regulation (FAR) small business subcontracting plan requirements, including compliance that is particularly important, because a federal agency can impose liquidated damages for a prime contractor's failure to comply with its plan. An agency also may make the subcontracting plan, or the company's past performance in complying with its plan, an evaluation factor for future acquisitions.

We also assist you on the myriad of other small business regulations and requirements contained in the SBA regulations and the FAR, and have counseled and protested compliance with the Limitation on Subcontracting clause, which applies for all small business set-aside acquisitions. We can also assist you in addressing the appropriate North American Industrial Classification System (NAICS) code that is assigned by the contracting officer for a specific acquisition to establish the size standard for that procurement.

If you are prime contractors and subcontractors in the formation and performance of teaming agreements, subcontracts and joint ventures, we can draft and negotiate subcontract provisions and provide counsel on the "flow down" requirements that prime contractors are required by law to place in their subcontracts.

Requirements regarding the Buy American Act, the Fly America Act and specialty metals continue to grow in importance for contractors. We counsel contractors regarding meeting these requirements and making disclosures of, and resolving violations of, these requirements.

Your Key Contacts

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