



DEPARTMENT OF THE TREASURY  
WASHINGTON, D.C. 20220

**Acquisition  
Bulletin (AB)**

No. 03-01  
July 2, 2003

**MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS**

**FROM:**

Jody Falvey *Jody Falvey*  
Acting Director  
Office of Small Business Development  
Office of the Procurement Executive

**SUBJECT:**

Small Business Size Protests

**Purpose:** This AB provides the attached memorandum from the Small Business Administration (SBA) on small business size protests.

**Effective Date:** This AB is effective immediately.

**Expiration Date:** This AB will expire when cancelled or superseded.

**Background:** The attached SBA memorandum indicates that, in the past, procuring activities erroneously dismissed small business size protests based on timeliness. SBA's Office of Government Contracting has sole authority to investigate small business size protests and provide related determinations.

We ask that you follow the procedures described in the attachment to address small business size protests.

Questions about this AB may be directed to Kevin Whitfield at [kevin.whitfield@do.treas.gov](mailto:kevin.whitfield@do.treas.gov) or (202) 622-0248.

Attachment



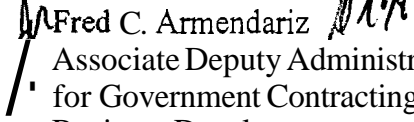
U.S. SMALL BUSINESS ADMINISTRATION  
WASHINGTON, D.C. 20416

**MEMORANDUM**

JUN - 6 2003

DATE:

TO: Agency Senior Procurement Executives

FROM:  Fred C. Armendariz  
Associate Deputy Administrator  
for Government Contracting and  
Business Development

SUBJECT: Small Business Size Protests

It has come to my attention that some agencies may not be complying with applicable regulatory procedures when they are in receipt of a small business size protest against an apparent successful small business awardee. We understand that some procuring activities have investigated these protests and, in some instances, have erroneously dismissed what they believe to be an untimely or unspecific protest.

Please note that Contracting Officers do not have the authority to dismiss a protest or to investigate a firm's eligibility once a small business size protest has been received. The Office of Government Contracting at the U.S. Small Business Administration (SBA) has the sole authority to determine the timeliness and specificity of any small business size protest. The SBA regulations 13 CFR 121.1001 and the Federal Acquisition Regulation (FAR) 19.302 require the SBA to conduct a formal size determination of a company when the contracting officer, another bidder or interested party questions their small business size status. In addition, the regulations state that any contracting officer in receipt of a protest alleging that a company is not a small business must promptly forward that protest to one of the SBA's Area Government Contracting Offices (Boston/New York, Philadelphia, Atlanta, Chicago, Dallas/Fort Worth, and San Francisco) having geographical jurisdiction over the company being protested.

We ask that you remind your procuring activities of the above procedures that should be followed when they receive a size protest. Your assistance in disseminating this guidance to your procuring activities will be greatly appreciated. If you have any questions or concerns, please contact Linda Waters, Size Program Manager at (202) 205-7315.

cc: Directors, Office of Small and Disadvantaged Business Utilization.

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