

CLIENT ALERT

All Things Protest: COFC Deems Small Business Ineligible for Failing to Recertify as Other than Small under FAR 52.219-8 While Proposal Was Pending Following an Acquisition (March 2021)

March 10, 2021

In this episode, hosts Rob Sneckenberg and Olivia Lynch are joined by colleague Amy O’Sullivan to discuss the Court of Federal Claims’ recent decision in *HWI Gear, Inc.*, which held that the solicitation’s inclusion in full of the text of FAR 52.219-28 required a small business offeror to recertify its size status prior to award due to a post-proposal submission corporate change. Crowell & Moring’s “All Things Protest” podcast keeps you up to date on major trends in bid protest litigation, key developments in high-profile cases, and best practices in state and federal procurement.

Materials discussed in this episode:

- [13 CFR § 121.404](#)
- [FAR 52.219-28](#)
- [HWI Gear, Inc. v. United States](#), 151 Fed. Cl. 668 (2020)
- [Size Appeal of HWI Gear, Inc.](#), SBA No. SIZ-6072 (2020)
- [Size Appeal of HWI Gear Inc.](#), SBA No. SIZ-6088 (2021) (petition for reconsideration of SBA No. SIZ-6072)

Click below to listen or access from one of these links:

[PodBean](#) | [SoundCloud](#) | [Apple Podcasts](#)

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Olivia Lynch

Partner – Washington, D.C.
Phone: +1.202.624.2654
Email: olynch@crowell.com

Amy Laderberg O'Sullivan

Partner – Washington, D.C.
Phone: +1.202.624.2563
Email: aosullivan@crowell.com

Robert J. Sneckenberg

Partner – Washington, D.C.
Phone: +1.202.624.2874
Email: rsneckenberg@crowell.com