

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)

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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)

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