

CLIENT ALERT

OHA Authority and Impact Expanded

Feb.11.2011

On February 2, 2011, the Small Business Administration issued a final rule amending its regulations, effective March 4, 2011, to expand and better define the authority of SBA's Office of Hearings and Appeals (OHA) by allowing for OHA review of all timely appeals of size determinations, whereas traditionally OHA would not review formal size determinations if the contract had been awarded and the issues ripe for review were contract specific, including joint venture issues and violations of the ostensible subcontractor and non-manufacturer rules. Additionally, OHA now has to issue decisions within 60 days of the close of a record, and if OHA affirms a size determination finding a protested concern to be other than small the contracting officer must terminate the contract or not exercise the next option.

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

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