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Official Newsletter of the HUBZone Contractors National Council, a non-profit, non-partisan trade association representing companies certified as HUBZone firms by the U.S. Small Business Administration.

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August 2010

Volume 10, Number 8

This is the non-member edition of The Zone Report.
Our records indicate that your company is not yet a member of the HUBZone Council.
[Become a member](#) today to receive exclusive members-only information about the HUBZone Program and how to improve your contracting success.

Your membership helps the Council protect and improve the HUBZone Program while encouraging the advancement of the nation's economically challenged areas, combatting unemployment, and reducing homelessness.

HUBZone certification is not a requirement of Council membership.

New Federal Court Opinion Supports HUBZone Priority

August 13 Decision Reconfirms March Ruling

The Court of Federal Claims (COFC) has recently issued another decision that supports the legal requirement to favor HUBZone contractors over other set-aside contractors when certain conditions are met.

The U.S. Air Force made an 8(a) award to General Trades & Services and DGR Associates protested to the agency and the Government Accountability Office (GAO) that the government was required to compete the solicitation to HUBZone firms. In a decision released on August 13, the Court ruled in favor of DGR Associates.

This decision reconfirms the COFC's March 2010 Mission Critical Solutions ruling supporting HUBZone priority, when the Court found that the HUBZone statute mandates a preference for HUBZone firms when the "rule of two" is satisfied.

The "rule of two" ([FAR 19.13](#)) requires a contracting officer to set aside an acquisition for competition restricted to HUBZone small business concerns, when he/she has a reasonable expectation that: (1) offers will be received from two or more HUBZone small business concerns; and (2) the award will be made at a fair market price.

In its August ruling, the Court also rejected an argument by the government

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New HUBZone Council Members

Albemarle & Associates
Kill Devil Hills,
North Carolina

Commercial Exterior Technologies
Fort Worth, Texas

that *Blue & Gold Fleet v. United States*, 492 F.3d 1308 (Fed. Cir. 2007) precludes subject matter jurisdiction because DGR did not file in the COFC until after the closing date. The Court noted that DGR Associates had not waived its rights because it had made timely protests to both the agency and the GAO.

More Information:

[COFC Decision - DGR Associates \(Aug 2010\)](#)

[COFC Decision - Mission Critical Solutions \(Mar 2010\)](#)

REGISTER TODAY -- Only a Few Seats Are Left!



September 15-17, 2010
The Dupont Hotel - Washington, DC



Meet with federal contracting officers from a variety of agencies.
 Learn more about the HUBZone Program
 and how to win more contracts.

Discover how to effectively protest bids and contract awards.

Featured Keynote Speaker: Karen Mills, SBA Administrator

CONFERENCE SESSIONS INCLUDE:

- Ask the SBA: HUBZone Certification Processing
 Bid Protest War Stories
- Communicating Diversity of HUBZone Services
- Complying with HUBZone Recertification Requirements
- Converting Solicitations to HUBZone Set-Asides
- Defense Intelligence Community Contract Opportunities
- Developing New Business Opportunities
- Filing HUBZone Status Challenges
- Innovative Ways to Obtain Profitable Contracts
- Maintaining Your 35% Employee Ratio
- Subcontracting Issues
- Useful Government Contracting Websites
- Working with Other Diverse Suppliers

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**Neville's Electric
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Grand Rapids, Michigan

Shape Construction

Bremerton, Washington

**Southern Dredging
 Company**

North Charleston,
 South Carolina

**Summit Technologies
 & Solutions**

Charles Town,
 West Virginia

T-Rex Corporation

Reston, Virginia

Xerotec Corporation

Hancock, Michigan

A few rooms may be available at regular price -- call 866-534-6835.
Or visit the conference website (link below) to see a list of alternate hotels.

[Conference Details & Registration Information](#)

Business Groups Oppose Government In-Sourcing

Coalition Sends Letter to White House

A coalition of 36 national and regional business, taxpayer, and free market organizations recently sent President Obama a letter urging an immediate moratorium on in-sourcing: the conversion of work currently performed by private sector contractor firms to performance by federal government employees.

The coalition's action comes on the heels of comments from two key policymakers. Defense Secretary Robert Gates recently said, "We weren't seeing the savings we had hoped from insourcing." When asked in June about the effect in-sourcing had on small and minority-owned businesses, Senator Robert Menendez (D-NJ), Chairman of the Democratic Senatorial Campaign Committee, said that in-sourcing was "counter-intuitive to the President's goal of creating opportunities in the federal contracting system for diversity."

The letter indicated that more than 17 months have passed since the publication of a White House memorandum favoring government in-sourcing. "This shift to government performance of commercial activities not only hinders the private sector, including small and minority-owned businesses, but places additional costs on taxpayers during a lengthened period of a steep decline in the nation's economy, a staggering national debt, and a high national rate of unemployment. The government intrusion and competition in the private market that in-sourcing brings is having a detrimental effect on capital investment and job creation," the coalition stated in its letter to the President.

The coalition letter also noted that in-sourcing is occurring without public-private comparisons or cost analyses, and that a clear and objective metric for justifying and determining cost-effectiveness of government performance of commercial activities should be developed to protect the interest of taxpayers.

More Information:

[Coalition Letter](#)

Initiative for a Competitive Inner City

Program Supports Urban Small Business Growth

The U.S. Small Business Administration (SBA), the Initiative for a Competitive Inner City (ICIC), and Bank of America have announced that they will work together to advance inner city small business growth by supporting the Inner City Capital Connections program.

ICIC, which educates investment-ready inner city companies about equity and other sources of growth capital and matches them with potential investors, will hold its sixth annual ICC investment capital match-making program in Los Angeles November 15-16. The event will feature a full-day

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match-making session with potential investors, along with workshops and assessments of investment potentials. Preparation sessions for inner city businesses from around the country that plan to take part in the event will take place October 11 in New York and October 27 in Los Angeles.

To be eligible for the program, companies must be: headquartered in or have 51 percent or more of a physical operations presence in an economically distressed urban area; and be a for-profit corporation, partnership or proprietorship with revenues of more than \$2 million in 2009. More than 75 companies, in various industries ranging from technology, business services and manufacturing, participated in the program last year.

"Access to capital is critical to small business growth and job creation in America's inner cities," said SBA Administrator Karen Mills. "Supporting these entrepreneurs is at the core of SBA's mission and an essential component of keeping our economy moving in the right direction."

Established in 2005 by the Initiative for a Competitive Inner City and Bank of America, ICCC is a free program designed to stimulate capital flow to inner city businesses.

More Information:

<http://www.icic.org>



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QUICK LINKS

[SBA HUBZone Program](#)

[Federal Business Opportunities](#)

[Central Contractor Registration](#)

[HUBZone Regulations \(13CFR126\)](#)

[HUBZone Council](#)

INDUSTRY CALENDAR

[Visit the HUBZone Council Website Calendar for More Events](#)

September 15-17
HUBZone Council Annual Meeting & Conference
Washington, DC
[More Information](#)

October 6
Greater Washington Procurement Conference
Chantilly, VA
[More Information](#)

November 10
Alliance Baltimore
Baltimore, MD
[More Information](#)

Become a Council Member

If you own or work at a HUBZone-certified company, or are just interested in federal contracting, please consider joining the HUBZone Council.

Your membership provides access to the latest federal contracting and HUBZone-related news and developments, maximizes your success in earning federal contracts, and supports on-going representation on Capitol Hill to improve the HUBZone program and help rebuild America's economically-challenged communities.

Company memberships start at just \$95 per year. [Get more information.](#)

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