

Small Business Issues

Practices and Industries

PRIMARY CONTACTS

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Haynes Boone provides counsel to both large and small business concerns regarding specialized areas of the Small Business Administration (SBA) socioeconomic regulations, including compliance and contract administration issues. We also advise on Federal Acquisition Regulation (FAR) small business subcontracting requirements. Federal agencies can impose liquidated damages for a prime contractor's failure to comply with its proposed small business subcontracting plan. An agency may also make the subcontracting plan, or the company's past performance in complying with its plan, an evaluation factor for future acquisitions. Our government contracts team can help large and small contractors avoid common pitfalls in the small business regulatory arena.

Haynes Boone represents clients who are protesting or defending small business size protests which are decided by the Small Business Administration (SBA) Area Offices. We have extensive experience appealing such decisions to the SBA's Office of Hearings and Appeals (OHA). Our attorneys routinely interpret the SBA's complex rules and OHA decisions regarding affiliation and have successfully defended large companies who have teamed with small business concerns on federal projects.

We assist clients on the myriad of other small business regulations and requirements contained in the SBA regulations and the FAR. We have counseled on and protested against allegations of noncompliance with the Limitation on Subcontracting clause, which applies for all small business set-aside acquisitions. Our attorneys have assisted clients in identifying the appropriate North American Industrial Classification System (NAICS) code that is assigned by the contracting officer for a specific acquisition to establish the size standard for that procurement.

Haynes Boone also represents prime contractors and subcontractors in the formation and performance of teaming agreements, small business subcontracts and joint ventures. We draft and negotiate subcontract provisions and advise on the "flow down" requirements that prime contractors are required by law to place in their subcontracts. We advise on the formation of mentor-protégé arrangements and assist clients in seeking SBA approval of those agreements and maximizing the benefits of the Mentor-Protégé Program.