§ 125.29 What are the requirements for representing SDVO SBC status, and what are the penalties for misrepresentation?

(a) Presumption of Loss Based on the Total Amount Expended. In every contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant which is set aside, reserved, or otherwise classified as intended for award to SDVO SBCs, there shall be a presumption of loss to the United States based on the total amount expended on the contract, subcontract, cooperative agreement, cooperative research and development agreement, or grant whenever it is established that a business concern other than a SDVO SBC willfully sought and received the award by misrepresentation.

(b) Deemed Certifications. The following actions shall be deemed affirmative, willful and intentional certifications of SDVO SBC status:

(1) Submission of a bid, proposal, application or offer for a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement reserved, set aside, or otherwise classified as intended for award to SDVO SBCs.

(2) Submission of a bid, proposal, application or offer for a Federal grant, contract, subcontract, cooperative agreement or cooperative research and development agreement which in any way encourages a Federal agency to classify the bid or proposal, if awarded, as an award to a SDVO SBC.

(3) Registration on any Federal electronic database for the purpose of being considered for award of a Federal grant, contract, subcontract, cooperative agreement, or cooperative research and development agreement, as a SDVO SBC.

(c) Signature Requirement. Each offer, proposal, bid, or application for a Federal contract, subcontract, or grant shall contain a certification concerning the SDVO SBC status of a business concern seeking the Federal contract, subcontract or grant. An authorized official must sign the certification on the same page containing the SDVO SBC status claimed by the concern.

(d) Limitation of Liability. Paragraphs (a) through (c) of this section may be
§ 125.30 What are the requirements for representing SDVO SBC status, and what are the penalties for misrepresentation?

(a) In order to be identified as a SDVO SBC in the System for Award Management (SAM) database (or any successor thereto), a concern must certify its SDVO SBC status in connection with specific eligibility requirements at least annually.

(b) If a firm identified as a SDVO SBC in SAM fails to certify its status within one year of a status certification, the firm will not be listed as a SDVO SBC in SAM, unless and until the firm recertifies its SDVO SBC status.

[78 FR 38820, June 28, 2013]

PART 126—HUBZONE PROGRAM

Subpart A—Provisions of General Applicability

Sec. 126.100 What is the purpose of the HUBZone program?

126.101 Which government departments or agencies are affected directly by the HUBZone program?

126.102 What is the effect of the HUBZone program on the section 8(d) subcontracting program?

126.103 What definitions are important in the HUBZone program?

Subpart B—Requirements to be a Qualified HUBZone SBC

126.200 What requirements must a concern meet to receive SBA certification as a qualified HUBZone SBC?

126.201 Who does SBA consider to own a HUBZone SBC?

126.202 Who does SBA consider to control a HUBZone SBC?

126.203 What size standards apply to HUBZone SBCs?

126.204 May a qualified HUBZone SBC have affiliates?

126.205 May participants in other SBA programs be certified as qualified HUBZone SBCs?