

19.502-8 Rejecting Small Business Administration recommendations.

(a) If the *contracting officer* rejects a recommendation of the SBA, written notice *shall* be furnished to the appropriate SBA representative within 5 working days of the *contracting officer's* receipt of the recommendation.

(b) The SBA PCR (or, if a PCR is not assigned, see [19.402\(a\)](#)) *may* appeal the *contracting officer's* rejection to the head of the *contracting* activity within 2 working days after receiving the notice (except see [19.1305\(d\)](#), [19.1405\(e\)](#), and [19.1505\(i\)](#)). The head of the *contracting activity* *shall* render a decision *in writing*, and provide it to the SBA representative within 7 working days. Pending issuance of a decision to the SBA representative, the *contracting officer* *shall* suspend action on the *acquisition*.

(c) If the *head of the contracting activity* agrees that the *contracting officer's* rejection was appropriate-

(1) Within 2 working days, the SBA *procurement* center representative (or, if a *procurement* center representative is not assigned, see [19.402\(a\)](#)) *may* request the *contracting officer* to suspend action on the *acquisition* until the SBA Administrator appeals to the *agency head* (see paragraph (f) of this section); and

(2) The SBA *must* be allowed 15 working days after making such a written request, within which the Administrator of SBA-

(i) *May* appeal to the Secretary of the Department concerned; and

(ii) *Must* notify the *contracting officer* whether the further appeal has, in fact, been taken. If notification is not received by the *contracting officer* within the 15-day period, it is deemed that the SBA request to suspend the contract action has been withdrawn and that an appeal to the Secretary was not taken.

(d) When the *contracting officer* has been notified within the 15-day period that the SBA has appealed to the *agency head*, the *head of the contracting activity* (or designee) *shall* forward justification for its decision to the *agency head*. The *contracting officer* *shall* suspend contract action until notification is received that the SBA appeal has been settled.

(e) The *agency head* *shall* reply to the SBA within 30 working days after receiving the appeal. The decision of the *agency head* *shall* be final.

(f) A request to suspend action on an *acquisition* need not be honored if the *contracting officer* determines that proceeding to contract award and performance is in the public interest. The *contracting officer* *shall* include in the contract file a statement of the facts justifying the determination, and *shall* promptly notify the SBA representative of the determination and provide a copy of the justification.

Parent topic: [19.502 Setting aside acquisitions.](#)