

# 19.602-3 Resolving differences between the agency and the Small Business Administration.

(a) COCs valued between \$100,000 and \$25,000,000.

(1) When disagreements arise about a *concern's* ability to perform, the *contracting officer* and the SBA *shall* make every effort to reach a resolution before the SBA takes final action on a COC. This *shall* be done through the complete exchange of information and in accordance with agency procedures. If agreement cannot be reached between the *contracting officer* and the SBA Area Office, the *contracting officer shall* request that the Area Office suspend action and refer the matter to SBA Headquarters for review. The SBA Area Office *shall* honor the request for a review if the *contracting officer* agrees to withhold award until the review process is concluded. Without an agreement to withhold award, the SBA Area Office will issue the COC in accordance with applicable SBA regulations.

(2) SBA Headquarters will furnish written notice to the procuring agency's Director of the, *Office of Small and Disadvantaged Business Utilization* (OSDBU) or, for the Department of Defense, the Director of the Office of Small Business Programs, or other designated official (with a copy to the *contracting officer*) that the case file has been received and that an appeal decision *may* be requested by an authorized official.

(3) If the *contracting* agency decides to file an appeal, it *must* notify SBA Headquarters through its procuring agency's Director, OSDBU, or other designated official, within 10 business days (or a time period agreed upon by both agencies) that it intends to appeal the issuance of the COC.

(4) The appeal and any supporting documentation *shall* be filed by the procuring agency's Director, OSDBU, or other designated official, within 10 business days (or a period agreed upon by both agencies) after SBA Headquarters receives the agency's notification in accordance with paragraph (a)(3) of this subsection.

(5) The SBA Associate Administrator for Government *Contracting* will make a final determination, *in writing*, to issue or to deny the COC.

(b) SBA Headquarters' decisions on COCs valued over \$25,000,000.

(1) Prior to taking final action, SBA Headquarters will contact the *contracting* agency and *offer* it the following *options*:

(i) To request that the SBA suspend case processing to allow the agency to meet with SBA Headquarters personnel and review all documentation contained in the case file; or

(ii) To submit to SBA Headquarters for evaluation any information that the *contracting* agency believes has not been considered.

(2) After reviewing all available information, the SBA will make a final decision to either issue or deny the COC.

(c) Reconsideration of a COC after issuance.

(1) The SBA reserves the right to reconsider its issuance of a COC, prior to contract award, if-

(i) The COC applicant submitted false information or omitted materially adverse information; or

(ii) The COC has been issued for more than 60 days (in which case the SBA *may* investigate the firm's current circumstances).

(2) When the SBA reconsiders and reaffirms the COC, the procedures in subsection [19.602-2](#) do not apply.

(3) Denial of a COC by the SBA does not preclude a *contracting officer* from awarding a contract to the referred *concern*, nor does it prevent the *concern* from making an *offer* on any other *procurement*.

**Parent topic:** [19.602 Procedures](#).