

**The Florida Bar: Real Property, Probate and Trust Law Section
Construction Law Committee**

Small Business Sub-Committee

February 9, 2015 Report

Subcommittee Chair: Lisa Colon Heron
 Smith Currie & Hancock, LLP

I. Federal

Small Business Administration

On February 5, 2015, the SBA issued proposed rules to :

- 1) Establish a government wide mentor-protégé program for all small business concerns that is consistent with the SBA's mentor-protégé program for participants in the SBA's 8(a) Business Development Program and to adopt minor changes to the mentor-protégé provisions of the 8(a) Business Development program in order to make the mentor-protégé rules for each of the programs consistent as possible;
- 2) Amend the current joint venture provisions to clarify the considerations for creating and operating joint ventures. Currently two business that joint venture to perform federal contracts will be considered affiliated. A finding of affiliation with a large business can cost a small business its size status and prevent it from pursuing small business set aside contracts.

Under the current rules an 8(a) small business in a mentor protégé can joint venture with a SBA approved large business and still qualify as a small business for any federal government contract without a finding of affiliation.

The SBA's proposed rules would expand this shield of affiliation by adding a new mentor-protégé program that includes all small business (HubZones, Women-Owned Small Business (WOSB and EDOSBs) and Service-Disabled Veteran Owned Small Business) Under the proposed rules all small business concerns will have the opportunity to enter into a SBA approved mentor-protégé to compete for small business set aside contracts.

Comments are due April 6, 2015.

II. Florida

On January 22, 2015 the NAACP Florida State Conference released a statewide Economic Development Report Card as a result of a study of the records of several private and state agencies. It is a part of the NAACP's effort to raise awareness of diversity and inclusion. The NAACP examined the employment, advertising and spending with minority, women and veteran owned business records. Summary results of the findings and recommendations are attached.

NEXT MEETING

FEBRUARY 25, 2015 @ 12 PM EST.

Call-in number and password: 888-376-5050 / Pin 7542148521.