

Jiyoung C. Park
Associate Administrator
Senior Sustainability Officer
Office of Small Business Utilization
U.S. General Services Administration
1800 F Street, NW
Washington, DC 20405-0002



December 4, 2013

Dear Ms. Park,

Thank-you very much for your letter of November 19, 2013, concerning small business utilization in Federal Procurement. At FoodQuestTQ we appreciate the important work you are doing. You must be very proud of the A+ you have received from the Small Business Administration for your hard work supporting small businesses in America. Congratulations.

We wanted to contact you for some additional information regarding the safeguards in place to protect small businesses from unfair competition by the Federal Government. If we may, we would like to briefly describe a recent case study of one small business and then ask for your expert judgment on the applicable safeguards that are currently in place to prevent this specific type of situation.

From 2009 through 2012, a small company shared information with a Federal Agency regarding a software program they were building. They met with the Federal Agency because they wanted to make certain that their new product was properly addressing the Federal Government's interpretation of the Agency's regulatory oversight requirements. All of the information that was shared with the Federal Agency was marked and otherwise identified as "business confidential" information pursuant to the provisions of Title 18, U.S.C.

During the summer of 2012, the small company launched, for commercial sale, their new computer software. Six months later, the Federal Agency involved duplicated, via a government contracted agent, similar products that were already being sold by the small company to industry. The Federal Agency then provided the duplicated products to industry free of charge on their official government web site. The small company was decimated when the bottom fell out of their sales.

In the above context, what specific provisions of Federal procurement policy and law, including the Federal Acquisition Regulations, does GSA apply to preclude this type of direct Federal Government competition with a small business?

Thank-you very much for sharing your expert judgment with us about the above case. Our objective is to work with you and others who understand the important role being played by small business in sustaining our economy. Our goal is to assure that there are appropriate safeguards in place to prevent direct competition by the Federal Government with small businesses.

Thank-you again for your important work on behalf of small business.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hnatio".

John Hnatio EdD, PhD
Chief Science Officer

cc: Brian Castro, National Ombudsman for Small Business, SBA
Daniel Levinson, OIG-HHS
Nancy Gunderson, FDA