SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 1419—SMALL BUSINESS PROGRAMS

Subpart 1419.2—Policies

1419.201 General policy.

HCAs, without the power of redelegation, shall be responsible for the establishment of annual goals. The purpose of these goals is to increase participation of small business and small disadvantaged businesses in contract and subcontract opportunities. Goals for contract awards to minority business enterprises and women-owned businesses shall also be developed.

(a) All program goals must comply with the criteria established by OSDBU and shall reflect improvement in participation of small businesses and small disadvantaged businesses. The goal setting process shall be conducted as follows:

(1) Proposed goals are to be submitted by contracting activities to OSDBU by August 15th for the next fiscal year. To the greatest extent possible, the goals shall be based on advance acquisition plans (see Subpart 1407.1), budget justifications, and past performance.

(2) OSDBU shall be responsible for consolidating bureau and office goals, performing trend analysis, and submitting proposed Departmental goals to SBA, and the Minority Business Development Agency (MBDA), Department of Commerce.

(3) Bureau and office goals shall be negotiated and finalized with the OSDBU based on current plans and budget projections. OSDBU shall negotiate final Departmental goals with SBA, and MBDA.

(4) Since goals are expressed as a percentage of planned acquisition dollars, final budget approvals may change specific dollar goals.

(b) HCAs may request revision of goals from OSDBU when final budget approvals result in a change of plus or minus 15% in planned acquisition dollars or in instances when a disproportionate change in the mix of products or services is required. The goal setting process with the Bureau/Offices shall be completed by December 31st of each year.

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1419.901 Policy.

Subpart 1419.10—Small Business Competitiveness Demonstration Program

1419.1003 Purpose.

AUTHORITY: Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); and 5 U.S.C. 301.

SOURCE: 75 FR 19629, Apr. 15, 2010, unless otherwise noted.
(c) In accordance with 111 DM 8, OSDBU is responsible for performing all functions and duties prescribed in FAR 19.201(d) and for:

(1) Developing and maintaining policies, procedures, regulations, and guidelines for the effective administration of the Department's small business and small disadvantaged business programs; and,

(2) Providing functional direction and policy guidance to personnel in the implementation of the programs under paragraph (c)(1) of this section.

(d) HCAs without authority to redelegate shall:

(1) Appoint a full-time BUDS (e.g., procurement analyst or other non-operational contract person), for each contracting office where:

(i) Annual contract obligations regularly exceed $20 million or represent a substantial part of the bureau's total contracting program; and,

(ii) The number, type, and size of contract transactions provide sufficient opportunities for small business and small disadvantaged business participation.

(2) Appoint a part-time BUDS (e.g., procurement analyst or other non-operational contract person), for each contracting office where the nature of the contracting program requires such action to ensure accomplishment of annual program goals.

(e) Each BUDS shall perform the duties listed at FAR 19.201(d)(5)(6), and (10), 405 DM 1, and in the BUDS Standard Operating Procedures Handbook (405 DM 2).

1419.202 Specific policies.

1419.202–70 Acquisition screening and BUDS recommendations.

(a) For open market acquisitions estimated to exceed the SAT, the DI Form 1886, “Acquisition Screening and Review Form,” shall be completed by the CO and signed as indicated in Block 20 of the form. The completed form shall be placed in the solicitation/contract file prior to requesting quotations, publication of a FedBizOpps solicitation notice, or publication of a notice of intent to award a sole source contract.

(b) For open market acquisitions estimated to be greater than the micro-purchase threshold and less than the SAT that are not reserved for small business or proceeding under the 8(a) program, the DI Form 1886 shall be completed as specified in paragraph (a) of this section.

(c) Open market acquisitions, including charge card transactions, estimated to be less than the micro-purchase threshold are not routinely screened, but may be upon request by the purchaser.

(d) For Federal Supply Schedule competitions estimated to exceed the SAT and for which the source list contains less than three small businesses, the DI Form 1886 shall be completed as specified in paragraph (a) of this section.

(e) Federal Supply Schedule buys below the SAT are not routinely screened, but may be upon request by the CO.

(f) If the proposed method of acquisition is non-competitive, the Justification for Other than Full and Open Competition shall be attached to the DI Form 1886.

(g) Advance acquisition plans developed pursuant to FAR Part 7 shall be attached to the DI Form 1886.

(h) The CO shall document the rationale for not accepting a BUDS recommendation on DI Form 1886, under “Notes.” (See FAR 19.202.) Disagreements between the CO and the BUDS concerning the decision to use a set aside or the 8(a) program shall be resolved by the BPC. The BPC shall annotate the resolution, with signature, in the “Notes” section of the form. The BPC may consult with the OSDBU to obtain assistance in resolving the disagreement.

Subpart 1419.5—Set-Asides for Small Business

1419.503 Setting aside a class of acquisitions.

1419.503–70 Class set-aside for construction acquisitions.

(a) Acquisitions for construction (as defined in FAR 2.101) estimated to cost $2 million or less shall be set-aside on a class basis for exclusive participation