Federal Acquisition Regulation

SBA procurement center representatives (or, if a procurement center representative is not assigned, see paragraph (a) of this section) access to all reasonably obtainable contract information that is directly pertinent to their official duties.

(c) The duties assigned by SBA to its procurement center representatives include the following:

1. Reviewing proposed acquisitions to recommend—
   (i) The setting aside of selected acquisitions not unilaterally set aside by the contracting officer;
   (ii) New qualified small business sources, including veteran-owned small, service-disabled veteran-owned small, HUBZone small, small disadvantaged, economically disadvantaged women-owned small, and women-owned small eligible under the Woman-Owned Small Business Program; and
   (iii) Breakout of components for competitive acquisitions.

2. Reviewing proposed acquisition packages provided in accordance with 19.202-1(e). If the SBA procurement center representative (or, if a procurement center representative is not assigned, see paragraph (a) of this section) believes that the acquisition, as proposed, makes it unlikely that small businesses can compete for the prime contract, the representative shall recommend any alternate contracting method that the representative reasonably believes will increase small business prime contracting opportunities. The recommendation shall be made to the contracting officer within 15 days after receipt of the package.

3. Recommending concerns for inclusion on a list of concerns to be solicited in a specific acquisition.

4. Appealing to the chief of the contracting office any contracting officer's determination not to solicit a concern recommended by the SBA for a particular acquisition, when not doing so results in no small business being solicited.

5. Conducting periodic reviews of the contracting activity to which assigned to ascertain whether it is complying with the small business policies in this regulation.

6. Sponsoring and participating in conferences and training designed to increase small business participation in the contracting activities of the office.


19.403 Small Business Administration breakout procurement center representatives.

(a) The SBA is required by section 403 of Pub. L. 98–577 to assign a breakout procurement center representative to each major procurement center. A major procurement center means a procurement center that, in the opinion of the administrator, purchases substantial dollar amounts of other than commercial items, and which has the potential to incur significant savings as a result of the placement of a breakout procurement representative. The SBA breakout procurement center representative is an advocate for (1) the appropriate use of full and open competition, and (2) the breakout of items, when appropriate and while maintaining the integrity of the system in which such items are used. The SBA breakout procurement center representative is in addition to the SBA procurement center representative (see 19.402). When an SBA breakout procurement center representative is assigned, the SBA is required to assign at least two collocated small business technical advisors. Assigned SBA breakout procurement center representatives and technical advisors are required to comply with the contracting agency’s directives governing the conduct of contracting personnel and the release of contract information. The SBA must obtain for its breakout procurement center representatives and technical advisors security clearances required by the contracting agency.

(b) Contracting officers shall comply with 19.402(b) in their relationships with SBA breakout procurement center representatives and SBA small business technical advisors.

(c) The SBA breakout procurement center representative is authorized to—

1. Attend any provisioning conference or similar evaluation session
during which determinations are made as to whether requirements are to be acquired using other than full and open competition and make recommenda-
tions with respect to such require-
ments to the members of such con-
ferece or session;
(2) Review, at any time, restrictions on competition previously imposed on items through acquisition method cod-
ing or similar procedures and rec-
ommend to personnel of the appro-
priate activity the prompt reevalua-
tion of such limitations;
(3) Review restrictions on competi-
tion arising out of restrictions on the
rights of the United States in technical
data and, when appropriate, rec-
ommend that personnel of the appro-
priate activity initiate a review of the
validity of such an asserted restriction;
(4) Obtain from any governmental
source, and make available to per-
sonnel of the appropriate center, tech-
nical data necessary for the prepara-
tion of a competitive solicitation pack-
age for any item of supply or service
previously acquired noncompetitively
due to the unavailability of such tech-
nical data;
(5) Have access to procurement
records and other data of the procure-
ment center commensurate with the
level of such representative’s approved
security clearance classification;
(6) Receive unsolicited engineering
proposals and, when appropriate—
(i) Conduct a value analysis of such
proposal to determine whether it, if
adopted, will result in lower costs to
the United States without substan-
tially impeding legitimate acquisition
objectives and forward to personnel of
the appropriate center recommenda-
tions with respect to such proposal; or
(ii) Forward such proposals without
analysis to personnel of the center re-
sponsible for reviewing them who shall
furnish the breakout procurement cen-
ter representative with information re-
garding the proposal’s disposition;
(7) Review the systems that account
for the acquisition and management of
technical data within the procurement
center to ensure that such systems pro-
vide the maximum availability and ac-
cess to data needed for the preparation
of offers to sell to the United States
those supplies to which such data per-
tain which potential offerors are enti-
tled to receive;
(8) Appeal the failure by the procure-
ment center to act favorably on any
recommendation made pursuant to
subparagraphs (c) (1) through (7) of this
section. Such appeal must be in writing
and shall be filed and processed in ac-
cordance with the appeal procedures
set out in 19.505;
(9) Conduct familiarization sessions
for contracting officers and other ap-
propriate personnel of the procurement
center to which assigned. Such sessions
shall acquaint the participants with
the duties and objectives of the rep-
resentative and shall instruct them in
the methods designed to further the
breakout of items for procurement
through full and open competition; and
(10) Prepare and personally deliver an
annual briefing and report to the head
of the procurement center to which as-
signed. Such briefing and report shall
detail the past and planned activities
of the representative and shall contain
recommendations for improvement in the
operation of the center as may be
appropriate. The head of such center
shall personally receive the briefing
and report and shall, within 60 calendar
days after receipt, respond, in writing,
to each recommendation made by the
representative.
(d) The duties of the SBA small busi-
ness technical advisors are to assist
the SBA breakout procurement center
representative in carrying out the ac-
tivities described in (c) (1) through (7)
of this section and to assist the SBA
procurement center representatives
(see FAR 19.402).

[51 FR 19715, May 30, 1986, as amended at 54
FR 25062, June 12, 1989]

Subpart 19.5—Set-Asides for Small
Business


(a) The purpose of small business set-
aside is to award certain acquisitions
exclusively to small business concerns.
A “set-aside for small business” is the
reserving of an acquisition exclusively
for participation by small business con-
cerns. A small business set-aside may
be open to all small businesses. A small