SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 819—SMALL BUSINESS PROGRAMS

Subpart 819.2—Policies

Sec. 819.201 General policy.
819.202 Specific policies.
819.202–1 Encouraging small business participation in acquisitions.
819.202–5 Data collection and reporting requirements.
819.202–7 Additional contracting officer responsibilities.
819.202–72 Order of precedence. [Reserved]

Subpart 819.3—Determination of Small Business Status for Small Business Programs

819.307 SDVOSB/VOSB small business status protests.

Subpart 819.5—Set-Asides For Small Business

819.502 Setting aside acquisitions.
819.502–2 Total small business set-asides.

Subpart 819.6—Certificates of Competency and Determinations of Responsibility

819.602 Procedures.
819.602–3 Resolving differences between VA and the Small Business Administration.

Subpart 819.7—The Small Business Subcontracting Program

819.704 Subcontracting plan requirements.
819.705 Appeal of Contracting Officer decisions.
819.709 Contract clause.

Subpart 819.8—Contracting with the Small Business Administration (The 8(a) Program)

819.800 General.

Subpart 819.70—Service-Disabled Veteran-Owned and Veteran-Owned Small Business Acquisition Program

819.7001 General.
819.7002 Applicability.
819.7003 Eligibility.
819.7004 Contracting Order of Priority.
819.7005 Service-disabled veteran-owned small business set-aside procedures.
819.7006 Veteran-owned small business set-aside procedures.
819.7007 Sole source awards to service-disabled veteran-owned small business concerns.
819.7008 Sole source awards to veteran-owned small business concerns.
819.7009 Contract clauses.

Subpart 819.71—VA Mentor-Protégé Program

Sec. 819.7101 Purpose.
819.7102 Definitions.
819.7103 Non-affiliation.
819.7104 General policy.
819.7105 Incentives for mentor participation.
819.7106 Eligibility of Mentor and Protégé firms.
819.7107 Selection of Protégé firms.
819.7108 Application process.
819.7109 VA review of application.
819.7110 Developmental assistance.
819.7111 Obligations under the Mentor-Protégé Program.
819.7112 Internal controls.
819.7113 Reports.
819.7114 Measurement of program success.
819.7115 Solicitation provisions.


SOURCE: 73 FR 2717, Jan. 15, 2008, unless otherwise noted.

Subpart 819.2—Policies

819.201 General policy.

The Secretary shall establish goals for each fiscal year for participation in Department contracts by SDVOSBs and VOSBs. In order to establish contracting priority for veteran-owned and controlled small businesses in accordance with 38 U.S.C. 8128, the Secretary may decrease other status-specific small business goals set forth by section 15(g)(1) of the Small Business Act (15 U.S.C. 644(g)(1)) upon consultation with the Administrator of the U.S. Small Business Administration (SBA).

(74 FR 6631, Dec. 8, 2009)

819.202 Specific policies.
819.202–1 Encouraging small business participation in acquisitions.

Contracting officers may negotiate payment terms of less than 30 calendar
days to encourage small business participation. A period of less than 7 days may not be prescribed (see FAR 32.908(c)(2)). The contracting officer and the local fiscal officer must be in agreement on the negotiated payment terms before awarding the contract.

**819.202–5 Data collection and reporting requirements.**

(a) Administration heads, staff office directors, and HCAs must, in addition to the responsibilities designated in FAR 19.202–5, cooperate with OSDBU in formulating specific small business program goals and providing other data necessary for goal assessment.

(b) Each VA acquisition activity shall establish goals for the expenditure of funds with preferred businesses within their projected annual budget. OSDBU is responsible for Department-wide goals and accomplishments and will approve or adjust each acquisition activity’s goals.

(c) A Procurement Preference Program Goals Report (Report Control Symbol 00–0427) shall be submitted annually by each acquisition activity to reach OSDBU by November 1. Each report shall contain total expenditure estimates and goals for the current fiscal year and explanations of the methods utilized to arrive at each proposed goal. Anticipated problems in the attainment of the proposed goal in any category shall also be identified. This information will be used in negotiating the Department goals with the Small Business Administration (SBA).

(d) As an addendum to the report, each acquisition activity shall provide a narrative explaining the reason(s) for any shortfall(s) in the achievement of any previous fiscal year goal category.

(e) Upon review by OSDBU of the proposed goals, each acquisition activity will be notified of the acceptance of goals as submitted, or of any deficiencies. If the goals are not acceptable, the acquisition activity will be requested to submit further written justification for the goals submitted. Based on documents submitted, OSDBU will make a final determination on the goal assignment.

(f) Accomplishment of goals will be determined by OSDBU from data reported by acquisition activities into the Federal Procurement Data System-Next Generation (FPDS-NG).

**819.202–70 HCA responsibilities.**

An HCA must perform the following functions in support of the small business program. These functions cannot be delegated without written approval of the Director, OSBDU:

(a) Develop, on an annual basis, a plan of operation to increase the share of contracts and purchase orders awarded to the small business programs prescribed in FAR Part 19. This plan must also include veteran-owned and service-disabled veteran-owned small business concerns.

(b) Promote goals for the small business programs set forth in FAR Part 19. This must also include veteran-owned and service-disabled veteran-owned small business concerns.

(c) Review the types and classes of items and services to be purchased to determine the applicability of individual small business set-asides.

(d) Review class set-asides, established in accordance with criteria in FAR 19.503, at least annually to determine whether items or services procured under a unilateral or joint set-aside should be modified or withdrawn.

(e) Maintain updated lists of acquisitions reserved for small business on a class basis.

(f) If the acquisition activity is assigned to an SBA Procurement Center Representative, assure that the representative is provided logistical support, cooperation, and access to all reasonably obtainable contract information directly pertinent to the SBA Procurement Center Representative’s official duties.

(g) Encourage technical personnel and end-users to participate in discussions with veteran-owned and service-disabled veteran-owned small business concerns.

(h) Attend conferences and meetings publicizing small business programs. This responsibility may be delegated without the written approval of the Director, OSBDU.