

**NOTICE OF TOTAL SMALL DISADVANTAGED  
AND WOMEN-OWNED SMALL BUSINESS SET-ASIDE (10-25-94)**

(a) Definitions. (1) "Small business concern" means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the size standards in paragraph (b) below.

(2) (i) "Small disadvantaged business concern" means a small business concern that is at least 51 percent unconditionally owned by one or more individuals who are both socially and economically disadvantaged, or a publicly owned business having at least 51 percent of its stock unconditionally owned by one or more socially and economically disadvantaged individuals and has its management and daily business controlled by one or more such individuals. The term "small disadvantaged business concern" also means a small business concern that is at least 51 percent unconditionally owned by an economically disadvantaged Indian tribe or Native Hawaiian Organization, or a publicly owned business having at least 51 percent of its stock unconditionally owned by one of these entities, which has its management and daily business controlled by members of an economically disadvantaged Indian tribe or Native Hawaiian Organization, and which meets the requirements of 13 CFR 124.

(ii) The offeror shall presume that socially and economically disadvantaged individuals include Black Americans; Hispanic Americans; Subcontinent Asian Americans (United States citizens whose origins are in India, Pakistan, Bangladesh, Sri Lanka, Bhutan, or Nepal); Asian-Pacific Americans (United States citizens whose origins are in Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territory of the Pacific Islands, the Northern Mariana Islands, Laos, Cambodia, Taiwan, Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Republic of the Marshall Islands, or the Federated States of Micronesia); Native Americans (American Indians, Eskimos, Aleuts, and Native Hawaiians); and other individuals found to be qualified by the SBA under 13 CFR 124. (Inquiries may be addressed to: U.S. Small Business Administration, Office of Program Eligibility, 1441 L Street N.W., Room 618, Washington, D.C. 20416.)

(3) "Women-owned small business concern" means a small business concern that is at least 51 percent owned by a woman or women who are United States citizens and who also control and operate the business.

(b) Size Standards. (1) Nonmanufacturers. If this is a solicitation for offers to furnish supplies, a concern that submits an offer in its own name, but which proposes to furnish supplies that it did not itself manufacture, is deemed to be a small business when (i) its "number of employees," as defined in 13 CFR 121.407, does not exceed 500 persons; and (ii) it complies with paragraph (d)(1) below.

(2) Manufacturers and Providers of Services. If this is a solicitation for offers (i) to furnish supplies, and the offeror is the manufacturer, or (ii) for services, the offeror is deemed to be a small business when it complies with paragraph (d)(2) or (d)(3) below, as applicable, and when (checked block applies):

- its "number of employees," as defined in 13 CFR 121.407, does not exceed \_\_\_\_\_ persons.
- its "annual receipts," as defined in 13 CFR 121.402, do not exceed \$ \_\_\_\_\_.

The product classification used for determining the size standard in this paragraph (b) was:

Standard Industrial Classification (SIC) Code \_\_\_\_\_,

Title: \_\_\_\_\_  
\_\_\_\_\_

(c) General. Offers are solicited only from small disadvantaged and women-owned small business concerns. Offers received from concerns that are not small disadvantaged or women-owned small business concerns will be rejected. Any award resulting from this solicitation will be made to a small disadvantaged or women-owned small business concern.

(d) Agreements. (1) (i) Except as provided in subparagraph (ii) below, a manufacturer or regular dealer submitting an offer in its own name agrees to furnish, in performing the subcontract, only end products manufactured or produced by small business concerns inside the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Trust Territory of Pacific Islands, or the District of Columbia. However, this requirement does not apply in connection with construction or service subcontracts.

(ii) As authorized by Section 8(a)(17)(B)(iv) of the Small Business Act, the Small Business Administration has determined that for the classes of products listed below by Standard Industrial Classification (SIC) Code, there are no small business manufacturers or processors in the Federal market. If this procurement is for a product in a listed class, the determination by SBA waives the requirements in subparagraph (i) above that the offered end products be manufactured by small business concerns and that they be manufactured in the United States, its territories and possessions, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia. (Offerors are cautioned that the determination has no effect on requirements—such as those in the Buy American Act—external to the Small Business Act that concern domestic sources of supply.)

(2) If the subcontract is for services, by submission of an offer the offeror agrees that at least 50 percent of the cost of subcontract performance incurred for personnel shall be expended for employees of the offeror.

(3) If the subcontract is for supplies (other than a subcontract with a regular dealer in such supplies), by submission of an offer the offeror agrees to perform work for at least 50 percent of the cost of manufacturing the supplies, not including the cost of materials.

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**SIC Classes of Products Granted Waivers**

- 2033 Apricots, canned.
- 2033 Citrus sections, canned.
- 2033 Pineapple: slices, tidbits, juice.
- 2033 Spinach, canned.
- 2033 Tomato paste, canned.
- 2062 Sugar, granulated and brown.
- 2091 Tuna, canned.
- 2273 Carpet tile.
- 2273 Carpet, woven, 6-ft. vinyl back broadloom.
- 2674 Paper bags, small hardware type.
- 2732 Dictionaries.
- 2732 Thesauruses.
- 2812 Caustic soda.
- 2812 Soda ash.
- 2812 Sodium hydroxide.
- 2819 Acid, boric.
- 2819 Acid, enriched boric.
- 2819 Acid, hydrochloric.
- 2819 Acid, hydrofluoric.
- 2819 Calcium nitrate (uncoated).
- 2819 Heptane HPCL.
- 2819 N-dodecane.
- 2865 Benzene.
- 2865 Toluene.
- 2869 Ethyl acetate.
- 2869 Methyl isobutyl ketone.
- 2869 Methylene chloride.

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2869 NN-dimethyl formahide.  
2869 Propylene glycol.  
2869 Trichloroethane, 1, 1, 1.  
2873 Ammonium sulfate.  
2911 Hydrocarbon diluent.  
3312 Bars and rod, high nickel alloy.  
3312 Pipe and tubing, high nickel alloy.  
3312 Plate, sheet, strip, and foil: stainless steel and high nickel alloy.  
3312 Structural shapes, high nickel alloy.  
3331 Copper cathodes.  
3339 Nickel brickettes.  
3339 Nickel cathodes.  
3353 Plate, sheet, and strip: nickel-copper, copper-nickel, and copper.  
3353 Sheet and strip, aluminum.  
3353 Plate, sheet, strip, foil, and wire, high nickel alloy.  
3356 Wire, nonelectrical, high nickel alloy.  
3531 Construction, backhoe.  
3531 Construction, crane over 15-ton capacity.  
3531 Construction, loader.  
3531 Construction, road grader.  
3532 Construction, drill rigs.  
3533 Construction, scrapers.  
3537 Trucks, four-wheel drive utility.  
3571 Computers, mainframe, including peripheral ADP equipment (not other computers) necessary to support the mainframe in an operational system environment when acquired on the same purchase.  
3577 Laser printers.  
3579 Office copiers.  
3589 Sweepers, warehouse.  
3651 Video cassette recorders.  
3651 Compact disc players.  
3651 Television receiving sets.  
3661 Communications, digital EPBX equipment.  
3699 Nuclear batteries.  
3711 Tractors, wheeled.  
3711 Sweepers, street.  
3861 Photographic film.  
3996 Tile and roll, vinyl surface.  
5014 Tire, aircraft, pneumatic.