

# APD ALERT

## Final Suspension of Statutory Authority to Use the Very Small Business Set-Aside and the Small Disadvantaged Business Price Evaluation Adjustment Factor

The statutory authorities enabling Federal Acquisition Regulation (FAR) Subparts 19.9, 19.11 and 19.1307(d) have expired. These authorities established the Very Small Business Set-Aside (FAR 19.9) and the Small Disadvantaged Business Price Evaluation Adjustment (PEA) Factor.

The authorities expired in June 2004, were temporarily extended through the first quarter of FY 2005 through continuing resolutions, and were allowed to expire finally on December 8, 2004. These lapses were caused by their omission from the Small Business Reauthorization and Manufacturing Assistance Act of 2004. As a result, suspension and extension of the authorities under AGAR Advisories 66, 66A, and 66B have been canceled by Advisory 66C. A class deviation suspending the use of FAR Subparts 19.9, 19.11, 19.13 and related clauses was approved by the USDA Senior Procurement Executive on August 26, 2004. This information was relayed through the Civilian Agency Acquisition Council Letter 2004-04 dated December 27, 2004.

The statutory lapses will have no effect on the existing procurement preference program. The Governmentwide goals for small business concerns remain in effect for civilian agencies.

If you have any questions about this ALERT, contact Theresa Stephens on 301-504-1729.

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