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DEPARTMENT OF DEFENSE

**GENERAL SERVICES
ADMINISTRATION**

**NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION**

48 CFR Chapter 1

**Federal Acquisition Regulation; Small
Entity Compliance Guide**

AGENCIES: Department of Defense (DoD),
General Services Administration (GSA),
and National Aeronautics and Space
Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued
under the joint authority of the
Secretary of Defense, the Administrator
of General Services and the
Administrator for the National
Aeronautics and Space Administration.
This *Small Entity Compliance Guide* has
been prepared in accordance with
Section 212 of the Small Business
Regulatory Enforcement Fairness Act of

1996. It consists of a summary of the
rule appearing in Federal Acquisition
Circular (FAC) 2005-02 which amends
the FAR. An asterisk (*) next to a rule
indicates that a regulatory flexibility
analysis has been prepared. Interested
parties may obtain further information
regarding this rule by referring to FAC
2005-02, which precedes this
document. These documents are also
available via the Internet at [http://
www.acqnet.gov/far](http://www.acqnet.gov/far).

FOR FURTHER INFORMATION CONTACT:

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*** Procurement Program for Service-
Disabled Veteran-Owned Small
Business Concerns (FAR Case 2004-
002)**

This final rule provides for set-aside
and sole source procurement authority
for service-disabled veteran-owned
small business (SDVOSB) concerns. It
amends the Federal Acquisition
Regulation (FAR) interim rule that was
published in the *Federal Register* at 69
FR 25274, May 5, 2004, to implement
Section 308 of the Veterans Benefits Act

of 2003, Procurement Program for Small
Business Concerns Owned and
Controlled by Service-Disabled Veterans
(Pub. L. 108-183). The interim rule
provided that contracting officers may:
(1) award contracts on the basis of
competition restricted to service-
disabled veteran-owned small
businesses (SDVOSB) if there is a
reasonable expectation that two or more
SDVOSB concerns will submit offers
and that the award can be made at a fair
market price, or (2) award a sole source
contract to a responsible SDVOSB
concern when there is not a reasonable
expectation that two or more SDVOSB
concerns would offer, the anticipated
contract price (including options) will
not exceed \$5 million (for
manufacturing) or \$3 million otherwise,
and the contract award can be made at
a fair and reasonable price. This final
rule is published in conjunction with
two rules published by the Small
Business Administration (SBA).

Dated: March 16, 2005.

Rodney P. Lantier,

Director, Contract Policy Division.

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