

ACQUISITION ALERT 05-01

This Acquisition Alert notice is being transmitted to all NOAA Heads of Contracting Offices (HCOs). If you have any questions or comments about the Alert, please contact Don Kraus by e-mail (Don.Kraus@noaa.gov) or by telephone on (301) 713-0325.

PLEASE SHARE THIS MESSAGE WITH YOUR ACQUISITION STAFF:

Small Business Cascading Waiver Requirements

http://oamweb.osec.doc.gov/docs/PM_2004-02_Small_Business_Cascading.pdf

IAW PM 2004-02, the employment of the Small Business Cascading Evaluation Preference Process authorized the Contracting Officer to put large businesses on notice that if the agency received a sufficient number of eligible small business offers, large businesses simply would not be considered for award.

The decision to use this process enables the agency to promote small business participation and, at the same time, it protected the agency from losing valuable time if there proved to be inadequate competition among small businesses.

However, the problem is that because it deviates from FAR Parts 15 and 19, COs must seek individual waivers specific to the acquisition. The waiver requirement is a footnote in PM 2004-02. Per the FAR, Mike Sade can approve the waivers.

Attached is the format developed by the Eastern Region AMD to support a waiver request.

February 18, 2005

MEMORANDUM FOR: Michael S. Sade
Senior Procurement Executive

FROM: Jack O. Salmon, Jr.
Director, Acquisition Management Division

SUBJECT: Request for a FAR Deviation

Ref: (a) Commerce Acquisition Regulation (CAR) 1352.001 and
Federal Acquisition Regulation (FAR) 1.403
(b) Procurement Memorandum 2004-02
(c) Acquisition Plan for the NOAA G-IV Aircraft Tail Doppler Radar
System

1. As required by reference (a) and (b), the NOAA Eastern Administration Support Center, Acquisition Management Division requests a FAR Deviation for FAR Part 19, Small Business Programs, particularly FAR 19.5 in order to utilize the Small Business Cascading Evaluation Preference Process.
2. The Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA) Marine and Aviation Operations (NMAO), has a requirement for a tail-mounted scanning dual-beam X-band research radar system to be used on the NOAA Gulfstream G-IVSP (G-IV) aircraft. The aircraft is operated by NMAO's Aircraft Operations Center (AOC) at MacDill Air Force Base (AFB), FL. The Doppler radar system will be used to obtain detailed wind field and rain rate information for initialization of the National Weather Service (NWS) Hurricane Weather and Research Forecast (HWRF) model.
3. A deviation from the provisions of FAR Subpart 19 is requested to allow EASC Acquisition Management Division to solicit and award a contract for the NOAA G-IV Aircraft Tail Doppler Radar System utilizing the Small Business Cascading Evaluation Preference Process as outlined in reference (c).
4. Based on limited small business responses to an RFI issued on December 21, 2004; a major concern for qualifying the acquisition as a Small Business Set-Aside focuses on the risk of limited response to the RFP in that small businesses may not be qualified to perform the work and/or not be able to locate adequate teaming partners. The RFI produced three interested small businesses all indicating that teaming arrangements would be necessary in order to compete in this acquisition. Their decision to respond to the RFP is unknown and would be considered too risky in the event they could not arrange for appropriate teaming, or they discover/determine the scope is too large for the undertaking or other opportunities present themselves to discourage them from competing in this acquisition. However, in order to ensure that small businesses have a fair opportunity to participate in this acquisition, EASC anticipates utilizing the Small Business Cascading Evaluation Preference Process. The cascading set-aside preference will be included in the RFP to notify large businesses that, if a sufficient number of eligible small businesses submit offers; large businesses would not be considered for award. The decision to use this process enables the agency to promote small business

participation and protect the agency from losing time if there is inadequate competition among small business and to ensure the obligation of funds for this program by September 30, 2005.

5. Utilizing the Cascading Evaluation Process will provide significant benefits to streamline the acquisition process while increasing opportunities within a limited industry. The process is designed to be fair, to increase the public's insight into the Government's mission objectives, acquisition processes and to increase the range of potential approaches and capabilities to meet the agency's need.
6. Current individual FAR-system clauses are not designed to accommodate the automatic consideration of successive set-asides; they do not provide adequate notice to contractors that their offers could be subject to more than one socioeconomic criterion or program having the potential to eliminate them from consideration for award. Current FAR clauses will be modified to reflect the use of the cascading evaluation process. The cascade approach will be used to promote competition among small businesses and to notify large businesses that, if a least two or more eligible small business submit highly qualified offers, large businesses may not be considered for award. The Government reserves the right to make either a full set-aside award or a partial set-aside award depending on the number and acceptability of responses received from small businesses in the evaluation.
7. Nothing in this deviation request seeks or authorizes permission to deviate from federal statutes.
8. The signature below represents agreement and approval of this request for deviation.

Approved: _____

Michael S. Sade
Director for Acquisition Management
and Senior Procurement Executive

Date: _____