

APD Alert



Small Business Administration (SBA) Procurement Center Representative (PCR) Procurement Request Review

Departmental Regulation (DR) 5090-001 requires all USDA employees involved in acquisition planning, strategy, and execution phases to consider and utilize small businesses when identifying contractors. Small business, as used herein, includes small, small disadvantaged, 8(a), HUBZone, Service Disabled Veteran-Owned, Veteran-Owned, and Women-Owned small businesses. The regulation further requires clearance from the Director of the Office of Small and Disadvantaged Business Utilization (OSDBU) and the Small Business Administration (SBA) Procurement Center Representative (PCR) of contracts over the Simplified Acquisition Threshold (SAT) not set-aside or reserved for small business participation, including bundled contracts. All acquisitions of \$2 million or more, that involve bundling, unless the order is entirely reserved or set-aside for small business, must be coordinated with the Agency Small Business Specialist (SBS) and the Head of Contracting Activity (HCA) or Designee (HCAD). Bundled contracts must be cleared by the Director of OSDBU and SBA PCR using the same clearance process outlined for contracts. Delivery orders in excess of \$1 million issued against Federal Supply Schedules or other Multiple Award Contracts require notification from the HCAD to the Director of the OSDBU.

- A. Micro-Purchases:** No action required under this Alert. However, cardholders should consider small businesses to the maximum extent practicable.
- B. Simplified Acquisition Procedures:** No action required under this Alert. Every open market acquisition of supplies or services that has an anticipated dollar value exceeding the micro-purchase threshold but not over SAT is statutorily reserved exclusively for small business concerns (15 U.S.C. Section 644(j)). In accordance with DR 5090-001, all unrestricted procurements over the micro-purchase threshold and under the simplified acquisition threshold not awarded to small business concerns must be justified and documented.
- C. Actions over the Simplified Acquisition Threshold not set aside or reserved for Small Business:** All acquisitions over the SAT not set-aside or reserved for small business participation, including those executed outside the Washington, D.C., metropolitan area must be submitted to the Director of OSDBU and SBA PCR for clearance not later than 15 working days prior to synopsis. Requirements may NOT be synopsized prior to approval of the clearance.

Contracting Officer (CO) Responsibilities:

The CO is responsible for the preparation of the Form AD-1205, "USDA Small Business Program – Procurement Review Request." The complete package shall include the following:

1. Completed AD-1205 form (scanned.pdf doc). Leave the top two blocks, Procurement Request Number and Date submitted to OSDBU, blank. The Acquisition and Property Division (APD), Acquisition Programs and Oversight Branch (APOB) will complete these blocks.
2. Copy of FedBizOpps announcement (scanned.pdf doc);
3. Contracting Officer's justification for not setting aside or reserving the requirements for small business must include at a minimum (in WORD.doc format):
 - (a) Background information;
 - (b) A description of the contracting office's effort to identify potential small businesses to participate in the requirement, i.e., search of the System for Award Management (SAM), VetBiz.gov, advertising Sources Sought requests, and any other type of market surveys; and,
 - (c) Any other pertinent information used in making the decision.
4. Statement of work or complete solicitation (in WORD.doc format);
5. Estimated cost of the contract and all option years, if any; and,
6. Send as separate submissions via e-mail to the APOB Office Assistant and REE Small Business Coordinator.

The completed package shall be forwarded to the Director of OSDBU and SBA PCR through the USDA, Agricultural Research Service (ARS), Acquisition and Property Division (APD). APD will process the request within **10 business days** after receipt from the CO. If approved, APD will forward the package to the Director of OSDBU and SBA PCR for final clearance. The Director of OSDBU and the SBA PCR will respond to APD **within 15 business days**.

- D. Federal Supply Schedule Contract Actions and Multiple Award Contracts (Government-wide, USDA-wide, and Agency-wide Acquisition Vehicles):** FAR Part 19 Small Business Programs are not mandatory when using Federal Supply Schedule (FSS) and multiple award contracts; however, there is still a requirement to consider small businesses as sources of supply. For contract

actions expected to exceed \$1 million that do not use a small business acquisition method, the Contracting Activity or Designee (HCAD) is required to notify the Director of OSDDBU during the market research phase.

Contracting Officer (CO) Responsibilities:

The CO is responsible for the preparation of the Form AD-1205, "USDA Small Business Program – Procurement Review Request." No other documentation is required unless requested by the HCAD.

1. The Form AD-1205 shall be completed and submitted to the APOB Office Assistant and the REE Small Business coordinator during the market research phase.
2. Leave the top two blocks of the Form AD-1205, (Procurement Request Number and Date submitted to OSDDBU) blank. APOB will complete these blocks.
3. In addition to the description of product or service (Block 3 of the Form AD-1205), the CO shall include the FSS or other multiple award contract number (not the delivery order number).
4. Check "Yes" in the block entitled, Proposed Acquisition Method, the fourth item (GSA or Other Agency Contract (over \$1 million) – Federal Supply Schedule or Multiple Award Schedule – Notification only; no approval required.

E. Bundled Acquisitions: All acquisitions of \$2 million or more that involve bundling, unless the order is entirely reserved or set-aside for small business under FAR Part 19, must be coordinated with the Agency SBS and HCAD. Bundled contracts must be cleared by the Director of OSDDBU and SBA PCR using the same clearance process outlined in this Departmental Regulation for contracts not set-aside for small business participation.

Questions regarding this alert can be directed to the Acquisition Programs and Oversight Branch on 301-504-1725 or via e-mail at APOB@ars.usda.gov.

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