

General Services Administration
Washington, DC 20405

December 8, 2006
APD 2800.12B, CHGE 17 Correction

GSA ORDER

Subject: General Services Administration Acquisition Manual

1. Purpose. This order transmits a correction to Change 17 to the General Services Administration Acquisition Manual (GSAM).
2. Background. On September 29, 2006, Change 17 was issued to update GSAM Part 519, Small Business Programs, to supplement revisions to the Federal Acquisition Regulation Part 19, Small Business Programs. This order updates GSAM 519.201 by removing paragraph (c).
3. Effective date. October 1, 2006.
4. Explanation of changes. GSAM 519.201 is amended by removing paragraph (c).

Remove pages

Insert pages

519-1 and 519-2

519-1 and 519-2



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PART 519—SMALL BUSINESS PROGRAMS

519.001 Definitions.

“Office of Small Business Utilization staff” is the staff with responsibility for supporting small business activities. In Central Office, this is the Office of Small Business Utilization, (OSBU) (E) and the Small Business Technical Advisors (SBTAs). In the Regions, this staff may be a separate office (e.g., Small Business Utilization Centers (SBUCs).

Subpart 519.2—Policies

519.201 General policy.

(a) The Associate Administrator, Office of Small Business Utilization (AAOSBU) is the Director of Small and Disadvantaged Business Utilization in GSA.

(b) The Office of Small Business Utilization, (OSBU) (E) appoints small business technical advisors (SBTAs), in writing, after consultation with HCAs. Each Central Office Service and each Region has at least one SBTA. All references to SBTA in this part refer to the SBTA designated to support his/her service or region, whichever is applicable.

519.202 Specific policies.

519.202-1 Encouraging small business participation in acquisitions.

(a) The acquisition planner is required to coordinate with the Small Business Technical Advisor or Small Business Specialist any acquisition that:

(1) Requires submission of a GSA Form 2689, Procurement Not Set Aside, under GSAM 519.502-70.

(2) Involves contract bundling (see FAR 19.202-1(e)).

(3) Is \$5,000,000 or more (See FAR 7.104(d)(2)).

(4) Exceeds the simplified acquisition threshold, if you decide not to set the acquisition aside for HUB-Zone Small Businesses (See 519.1305(a)).

(b) Bundled acquisitions (See Appendix F).

(1) If the planner and contracting officer have failed to recognize that the acquisition is bundled, the small

business specialist shall notify the Office of Small Business Utilization.

(2) When substantial bundling is contemplated (see FAR 7.107(e)), coordination with the Office of Small Business Utilization is also required.

519.202-2 Locating small business sources.

(a) Confer with the appropriate SBTA when you need help to identify additional small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concern sources to solicit for a requirement. The SBTA will coordinate with the Small Business Administration (SBA) Procurement Center Representative (PCR).

(b) The SBTA should query Central Contractor Registration (CCR) database link, “Dynamic Small Business Search,” at www.ccr.gov.

Subpart 519.3—Determination of Small Business Status for Small Business Programs

519.302 Protesting a small business representation.

If SBA determines that an offeror is not a small business concern and there is evidence that the offeror knowingly misrepresented itself as a small business concern:

(a) Contracting activities in Central Office must refer the matter to the Inspector General (J).

(b) Regional contracting activities must refer the matter to the Regional Inspector General.

519.305 Protesting a representation of disadvantaged business status.

If SBA determines that a small business concern is not disadvantaged and there is evidence that the offeror knowingly misrepresented its disadvantaged status:

(a) Contracting activities in Central Office must refer the matter to the Inspector General (J).

(b) Regional contracting activities must refer the matter to the Regional Inspector General.

519.306 Protesting a firm’s status as a HUBZone small business concern.

If SBA determines that an offeror is not a HUBZone small business concern and there is evidence that the offeror knowingly misrepresented itself as such:

- (a) Contracting activities in Central Office must refer the matter to the Inspector General (J).
- (b) Regional contracting activities must refer the matter to the Regional Inspector General.

519.307 Protesting a firm’s status as a Service-Disabled Veteran-Owned small business concern.

If SBA determines that an offeror is not a service-disabled veteran-owned small business concern and there is evidence that the offeror knowingly misrepresented itself as such:

- (a) Contracting activities in Central Office must refer the matter to the Inspector General (J).
- (b) Regional contracting activities must refer the matter to the Regional Inspector General.

Subpart 519.4—Cooperation With the Small Business Administration

The Associate Administrator for the Office of Small Business Utilization is the focal point for interfacing with SBA. Refer issues relating to small business programs through the designated SBTA.

Subpart 519.5—Set-asides for Small Business

519.502 Setting aside acquisitions.

519.502-1 Requirements for setting aside acquisitions.

(a) A contracting activity that is meeting goals under the Small Business Competitiveness Demonstration Program must contract for construction, trash/garbage collection services, and landscaping and pest control services estimated to exceed \$25,000, and architectural and engineering services estimated to exceed \$50,000, using unrestricted procedures (see FAR 19.10 and 519.10.). If this circumstance applies, do not use the procedures in 519.502-70. You may make awards under the 8(a) program, or set aside for HUBZone small business or service-disabled veteran-owned small business concerns.

(b) Once a contracting activity acquires a product or service successfully on the basis of a set-aside, the activity must acquire all future requirements for that product or service using set-aside procedures. If you determine that you no longer can reasonably expect to receive offers from at least two responsible small business concerns and make awards at fair market prices, use the procedures in FAR 19.506 to with-

draw a repetitive set-aside. However, the availability of Federal Prison Industries, Inc. and Nonprofit Agencies Employing People Who Are Blind or Severely Disabled (JWOD) mandatory sources which may not have existed at the time of the original requirement are sufficient reason to discontinue setting aside a continuing requirement.

519.502-70 Review of non-set-aside determinations.

Acquisition expected to exceed \$100,000.

(a) *GSA Form 2689, Procurement Not Set Aside.* If you decide that an acquisition expected to exceed \$100,000 cannot be set aside for small business, record your decision on GSA Form 2689. Submit the form to the SBTA for review.

(b) *Reviews and timeframes.*

| If... | Then... |
|---|--|
| (1) The acquisition meets any one of the following conditions: (i) It will be a multiple award schedule contract. (ii) The estimated value does not exceed \$500 million, including options. (iii) The contract will cover only one region or designated locations in one region (at any dollar value). | The SBTA provides a copy of the GSA Form 2689 to the SBA representative for review. The SBTA and the SBA representative must complete their review within 5 workdays after the SBTA receives the Form, or request an extension from you. |
| (2) The acquisition, excluding multiple award schedule contracts, meets either one of the following conditions: (i) The estimated value exceeds \$500 million (including options) and contract performance will occur in two or more regions. (ii) Based on political sensitivity or importance to GSA, the Associate Administrator for the Office of Small Business Utilization designates the acquisition for review. | The SBTA provides a copy of the GSA Form 2689 to the AAOSBU for review and comment on the decision. After the AAOSBU review, the SBTA submits the GSA Form 2689 to the SBA representative for review. The AAOSBU and SBTA each have 5 workdays to review the decision. All reviews and comments must be completed within 10 workdays after the SBTA receives the Form, or the SBTA must request a time extension from you. |

(c) *Disagreements.* If a reviewing official disagrees with your decision not to set-aside an acquisition, the SBTA must provide you the rationale for the disagreement or provide you with additional small business sources that are interested in and capable of fulfilling the requirement. Review and consider any information provided by the SBTA before making a decision.

(d) *Resolving disagreements.* The Contracting Director resolves disagreements between you and the SBTA. To