



*REGULATORY CHANGES
HIGHLIGHTS RELATED TO SMALL BUSINESS PROGRAMS
NCRC-SERC Joint Fall Meeting*

CAUTION: This list is for informational purposes only and is not meant to be all-inclusive.
Please read carefully - "Final" vs "Interim" vs "Proposed" vs "Open Case"

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SMALL BUSINESS ADMINISTRATION (SBA)

- **NOTICE OF INTENT to Waive Nonmanufacturer Rule:** Personal computers, NAICS 334111; comments closed 10/27/2006; waiver denied 11/13/2006; (See <http://www.sba.gov/GC/indexprograms-nonmanufacturer.html> for current list)
- **NOTICE OF WAIVER of Nonmanufacturer Rule:** Plastic Pallets (Twin Sheet Thermoformed), NAICS 326199; effective 9/27/2006
- **PROPOSED SBA RULE: Surety Bond Guarantee Program:** Obligates SBA to guarantee 90% of Loss Incurred by a Prior Approval Surety on bonds for VOSBs/SD-VOSBs; comments due 10/26/2006
- **FINAL SBA RULE: Size Recertification:** GWACs, Multiple Award Schedules contracts, & Federal Supply Schedules; annual re-certification as small business (on contract award anniversary date); comments closed 6/24/2003; over 600 comments received; published in Federal Register 11/15/2006
- **PROPOSED SBA RULE: WOSB Federal Contract Assistance Program:** Economically disadvantaged woman-owned/woman-owned small business set-asides; only permitted in certain NAICS yet to be determined; 3-year certification requirement; random verification of eligibility; published 6/15/2006; comments closed 7/17/2006

REGULATORY CHANGES: *DFARS*

- **FINAL RULE: Threshold for Small Business Specialist Review (2003-D060):** eliminates *mandatory* SBS review <\$100k that are 100% SBSA; includes orders placed against FSS contracts; *allows agency flexibility*; some info moved to DFARS PGI including SBS appointment & functions; proposed rule published for comment 4/23/2004; final rule effective 8/8/2006
- **INTERIM RULE: Tiered Evaluation of Offers (2006-D009):** Implements Section 816 FY2006 National Defense Authorization Act; also known as "cascading"; must first conduct market research; document why set-aside determination could not be made; DFARS & PGI coverage; effective 9/8/2006; [comments due 11/7/2006](#)
- **PROPOSED RULE: Inflation Adjustments of Acquisition-Related Thresholds (2004-D022):** Implements Section 807 FY2005 National Defense Authorization Act requires inflation adjustment every 5 yrs (e.g., DoD contract award notification, approval for multiyear service contracts, etc.); comments closed 3/24/2006; 10/27/2006 final rule to be published soon
- **OPEN CASE: Procurement Goal for Hispanic-Serving Institutions (2006-D061):** Implements Section 858 FY2007 National Defense Authorization Act; amends 10 U.S.C. 2323 to extend goals for certain institutions of higher education to include Hispanic-serving institutions; Case opened 11/1/2006
- **OPEN CASE: Enhanced Access for Small Business (2006-D060):** Implements Section 857 FY2007 National Defense Authorization Act; amends Section 9(a) of Contract Disputes Act of 1978 to permit small businesses to request accelerated disposition of a claim when the amount in dispute is \$150,000 or less; Case opening in 11/2006
- **OPEN CASE: Small Business Programs (2003-D047):** Implements DFARS Transformation; move info to PGI; published 2/23/2006; comments closed 4/23/2006; 10/31/2006 final DFARS rule published soon

ITEMS OF INTEREST

- **Central Contractor Registration (CCR) Changes:**
 - 7/28/2006: Business name & address now feeds from D&B; if D&B is inaccurate then registrant must first correct D&B records
 - 4/28/2006: Cannot self-certify as JWOD; validated by Committee for Purchase from People Who Are Blind or Severely Disabled
 - 1/30/2006: If you select SD-VOSB business type, VOSB automatically selected
 - 10/30/2005: Taxpayer ID Number & taxpayer name validated with IRS



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REGULATORY CHANGES: *FAR*

- **FINAL RULE: Inflation Adjustments of Acquisition-Related Thresholds (FAC 2005-13):** Implements Section 807 FY2005 National Defense Authorization Act requiring inflation adjustment every 5 years based on specified index except for Davis-Bacon Act, Service Contract Act, & trade agreements thresholds (e.g., 8(a)/HUBZone/SDVOSB sole source, bundling, subcontract plans, emerging small business reserve amount, etc.); published & effective 9/28/2006
- **INTERIM RULE: ORCA Archiving Capability (FAC 2005-13):** Contracting Officer able to reference date of ORCA verification in contract file; effective 9/28/2006; [comments due 11/27/2006](#)
- **INTERIM RULE: Use of Brand Name Specs (FAC 2005-13):** Must publish on GPE/e-Buy justification for brand name specs for buys > \$25,000 including open market, FSS, sole source; published & effective 9/28/2006; [comments due 11/27/2006](#)
- **INTERIM RULE: Local Community Recovery Act of 2006 (FAC 2005-12):** Authorizes set-asides to allow only offerors residing/doing business primarily in geographic area affected by major disaster or emergency; must be based on specific geographic area, within Presidential declaration(s) of disaster or emergency; may be used with small business set-aside; work must be performed by prime/other employees residing/doing business primarily in designated area; services/supplies ≥ 50%; general construction ≥ 15%; specialty construction ≥ 25%; effective 8/4/2006; comments closed 10/3/2006
- **INTERIM RULE: Emergency Acquisitions (FAC 2005-11):** Incidents of national significance, emergency declaration, or major disaster declaration; exemption from CCR/FEDBIZOPPS synopsis; may limit number of sources & full & open competition not required; preference to local organizations, firms, & individuals; effective 7/5/2006; comments closed 9/5/2006; FAR Council to discuss 11/15/2006
- **INTERIM RULE: Common Identification Standard for Contractors (FAC 2005-07):** Identity verification required to primes/subktrs requiring access to federally-controlled facility/access to Federal information system; published & effective 1/3/2006; comments closed 3/6/2006; Final rule to be published soon
- **PROPOSED RULE: Contract Terms & Conditions Required to Implement Statute or Executive Orders – Commercial Items (2006-012):** Adds 52.219-16, Liquidated Damages – Subcontracting Plan to FAR 52.212-5 Contract Terms & Conditions Required to Implement Statute or Executive Orders – Commercial Items; published 7/26/2006; comments closed 9/25/2006; 10/31/2006 OFPP concurrence
- **OPEN CASE: HUBZone Program Revisions (2006-005):** Implements SBA Rule published 8/30/2005; adds “base closure areas” & redesignated areas”; must immediately notify KO if material change in status occurs before contract award; may include employees of qualified HUBZone subcontractors towards limitations in subktg: general construction – 50% self or may subkt at least 35% to qualified HUBZone subktrs: specialty construction – 50% self or may subkt at least 25% to qualified HUBZone subktrs; 8/30/2006 DAR Council concurrence
- **OPEN CASE: SB Credit for ANCs & Indian Tribes (2004-017):** Implements Section 702, P.L. 107-117/107-206, subkts w/ANCs count toward SB & SDB subkt goals & subkts w/Indian tribes count as SB subktrs, regardless of size; published 6/3/2005; comments closed 8/2/2005; DARC agreed to Final Rule 8/23/2006; GSA legal reviewing
- **OPEN CASE: Electronic Subcontracting Reporting System (eSRS) (2005-040):** Implement electronic subcontract reporting (replaces SF 294/295; flowdown report requirements, etc.); <http://www.esrs.gov>; Report due 12/5/2006; DoD to implement sometime in FY2007

REGULATORY WEBSITES

- Defense Procurement & Acquisition Policy: <http://www.acq.osd.mil/dpap/dars/index.htm>
- Electronic CFR Beta Test Site: <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>
- Federal eRulemaking Portal: <http://www.regulations.gov>
- Federal Register: <http://www.gpoaccess.gov/fr/index.html>