

U.S. Small Business Administration



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MARC Legislative Update

March 2011

◆ Jobs Bill Updates

- ❖ Parity

- ❖ Comp Demo

- ❖ MAS Set-asides

- ❖ Misrepresentations

- ❖ Subcontracting Payments & Plans

◆ WOSB Roll-out Update

◆ Subcontracting Program

◆ Miscellaneous

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1. Parity

Section 1347 – Amendment to Small Business Act

- ❖ Result: delete “shall” in FAR Part 19.1305(a) to establish parity between HZ, SDVOSB, and 8(a);
- ❖ Replace with “may” for contract actions that have a reasonable expectation that two or more HUBZone small business concerns will submit offers (“the rule of two”).

Anticipated FAR change Spring 2011

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2. Repeal of the Comp Demo Program

◆ **FAC 2005-48**, issued 12/30/2010

- ❖ FAR Part 19.10 is deleted in its entirety.
- ❖ The Act eliminated unrestricted competition in designated industry groups (FAR Part 19.1005) and the enhanced small business participation in 10 agency targeted industry groups.

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3. Set Asides for Multiple Award Schedules

❖ 15 U.S.C. 644 under Section 15 as amended requires that FAR be changed to establish guidance under which agencies **“may, at their discretion”**

(i) set aside part or parts of a multiple award contract for small business;

(ii) set aside orders placed against multiple award contracts for small businesses; and

(iii) reserve one or more contract award(s) for small businesses under full and open competition multiple award procurements.

4. Presumption of Loss (under False Claims Act) for Size Misrepresentation

Government may recoup the costs for the total amount expended when a concern that is other than small willfully sought and received a contract intended for small business.

Looking for deliberate misrepresentation, withholding information and repeat offenders.

Misrepresentation includes:

- ◆ Submitting a proposal or bid intended for or encouraging to be classified as a small business set-aside.
- ◆ CCR or ORCA registration

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5. Requires Annual Certifications of Size Status

- ❖ **Current Regs:** In contracts lasting up to 5 years, the bidder or offeror certifies it's size at the time of submission of proposal or bid. In long term contracts, the contractor has to recertify its size on the 5th year of the performance period and every option year, thereafter.
- ❖ The Act requires certifications of Size Status to be performed **annually** using the Online Reps & Certs Application (ORCA) database .

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6. Section 1343 - Establish Government-Wide Policy for Prosecution of Size and Status Fraud

- ❖ No later than 1 year after the date of enactment, the SBA Administrator in consultation with the DOJ Attorney General will issue the policy for prosecution of size and status fraud.

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7. Section 1314 - Establishes SB Teams Pilot Program

- Issue grants for up to \$5 million to organizations that will consult with small business concerns and help establish teaming and joint ventures.
- The eligible organizations will recommend contracting opportunities for teaming arrangements and joint ventures for small business concerns.
- Program expires in 5 years

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8. Section 1347 – Establish Mentor Protégé Programs in HUBZone, SDVOSB, and WOSB

- ❖ The Administrator may expand and establish official programs for small business set-aside programs in HubZone, SDVOSB, and WOSB modeled on the SBA's existing 8(a) Mentor Protégé Program.

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9. Section 1321 - Subcontracting Misrepresentations

- ❖ Requires that, by September 27, 2011, the FAR be amended to establish a policy on subcontracting compliance relating to small businesses, including assignment of compliance responsibilities between contracting offices, small business offices, and program offices and periodic oversight and review activities.

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10. Section 1322 - Holding Large Prime Contractors Accountable to Subcontracting Plans

- ❖ To the extent the prime contractor is unable to make a good faith effort to utilize its small business subcontractors, the contractor must explain in writing to the Contracting Officer reasons why it is unable to do so.

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11. Section 1334 – Payment to subcontractors

- ❖ Prime contractor shall notify the Contracting Officer in writing when:
 - ◆ Subcontractor payments are less than the agreed to price
 - ◆ Timeliness of payments – prime cannot pay within 90 days
- ❖ Contracting Officer is to consider unjustified payment as a factor in rating performance

12. Section 1313 – Limitation on the Use of Acquisitions Involving Consolidation

- ❖ The act provides that before agency bundles contract requirements with a total value of more than \$2 million:
 - ◆ Conduct Market Research and
 - ◆ Identify alternative contract approach involving less consolidation
 - ◆ Make written determine if consolidation is necessary
 - ◆ Certify steps will be taken to include small business concerns in the acquisition plan/strategy

13. Section 1312 - Bundling Accountability Measures & Oversight

- ❖ Teaming requirements – Solicit MAS proposals (above substantial bundling threshold) from any responsible source, including small business concerns and teams or joint ventures of small business concerns.
- ❖ By September 27, 2011, amend the FAR to establish government-wide policy on contract bundling.
- ❖ Reduction of contract bundling through publication -
 - ◆ agencies required to post a list of rationale of any bundled contracts the agency has solicited or awarded.

14. ePCR – 3 Year Pilot Program

- ❖ Within 1 year of enactment, implement a 3-year pilot program for the PCR.
- ❖ This will allow the PCR to cover more contracting activities and procurement reviews.

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15. Update Size Standards Cycle

- ❖ Act provides every 18 months, the SBA must conduct a rolling review of at least 1/3 of the existing size standards, and the SBA must conduct a complete review of all size standards at least every 5 years.
- ❖ These reviews allow proper adjustment of industry sectors for more participation in small business set-asides.

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16. Establishes an Official HUBZone Subcontracting Goal

- ❖ Amends the calculation of the government-wide procurement goal of 3% participation by HUBZone small businesses to cover subcontracts
- ❖ The previous goal of “3 percent of the total value of all prime contracts” now reads “3 percent of the total value of all prime contracts and subcontracts”).

17. Micro-Purchase Guidelines

- ❖ No later than 1 year after enactment, OMB & GSA Administrator to create guidelines for analysis of purchase card expenditures to identify opportunities for achieving and accurately measuring fair participation of small businesses in purchases not exceeding micro-purchase thresholds.
- ❖ This effort will help measure SB Participation in ways to increase small business goals.

18. Section 1333 - Agency Accountability

- ❖ Agency goal communications at all levels - Senior Procurement Executives, senior Program Managers, and OSDDBU Directors shall communicate to the subordinates the importance of achieving small business goals.

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19. SB Contracting Training

- ❖ FAI in consultation with OFPP, DAU and the SBA shall develop courses for acquisition personnel (1102s, requirements personnel, and management) concerning proper classification of business concerns and small business size and status for purposes of Federal contract vehicles.

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Women-Owned Small Business (WOSB) Federal Contract Program

Program information for the Procurement Workforce



Topics for discussion

- Overview of the WOSB program
- Eligibility requirements
- Certification
- Steps to participate in the program
- Steps to compete for WOSB federal contracts
- Reviews & Protests
- Information for the Procurement Workforce
- Resources and Q&A

Overview of Women-Owned Small Business program

Program overview

The Women-Owned Small Business (WOSB) program authorizes contracting officers to **set aside certain federal contracts** for eligible:

- Women-owned small businesses (WOSBs) or
- Economically disadvantaged women-owned small businesses (EDWOSBs)



Impact of this program

- **Levels the playing field for WOSBs** to compete for and win federal contracts
- Provides procuring agencies a tool to help **meet their WOSB contracting goal** (i.e., the Federal government must award 5% of its prime contracting dollars to WOSBs)
- Ultimately, the program helps **create and retain more jobs for WOSBs**

Requirements for WOSB and EDWOSB Set Asides

Contracting officers may set aside contracts for WOSBs and EDWOSBs if they meet the following requirements:

	WOSB Set Aside	EDWOSB Set Aside
Industries	<ul style="list-style-type: none"> • NAICS code assigned to solicitation, IFB or quote is in an industry in which WOSBs are substantially underrepresented (38 4-digit NAICS designated) 	<ul style="list-style-type: none"> • NAICS code assigned to solicitation, IFB or quote is in an industry in which WOSBs are underrepresented (45 4-digit NAICS designated)
Rule of two	<ul style="list-style-type: none"> • Contracting officer has reasonable expectation that 2 or more WOSBs will submit an offer * <i>Note: All EDWOSBs are WOSBs</i> 	<ul style="list-style-type: none"> • Contracting officer has reasonable expectation that 2 or more EDWOSBs will submit an offer * <i>Note: Not all WOSBs are EDWOSBs</i>
Award price	<ul style="list-style-type: none"> • Anticipated award price <u>including options</u> does not exceed the statutory thresholds of \$5M for manufacturing or \$3M for other contracts • Contract can be awarded at fair market price 	

A complete list of applicable NAICS codes can be found at www.sba.gov/wosb

Eligibility Requirements for WOSBs

- ❑ Meet **small business size standard** for primary NAICS code and contract
- ❑ At least **51% unconditionally and directly owned by women** who are **U.S. citizens***
- ❑ The woman must manage the **day-to-day operations**
- ❑ The woman must make the **long-term decisions** for the business
- ❑ A woman must **hold highest officer position**
- ❑ The woman must work at the business **full-time during normal working hours**
- ❑ **No minimum amount of time** the business has been operated

*We do not consider community property laws when looking at ownership.



Eligibility Requirements for EDWOSBs

Same requirements as WOSBs (on previous page) PLUS:

- ❑ **Personal net worth** (assets minus liabilities) is **less than \$750,000** excluding:
 - Ownership in business and primary personal residence
 - Income reinvested or used to pay taxes of business
 - Funds reinvested in IRA or other retirement account*
 - Transferred assets within two years if to or on behalf of immediate family member for select purposes**

- ❑ **Adjusted gross income average over three years is \$350,000 or less** excluding:
 - Income reinvested or used to pay taxes of business

- ❑ **Fair market value of assets is \$6 million or less** excluding:
 - Funds reinvested in IRA or other official retirement account



* Must be IRA or other official retirement account that is unavailable until retirement age without significant penalty

** Select purposes are for that individual's education, medical expenses or other essential support or to family member in recognition of special event

Note: SBA will look at a spouse's finances if the spouse has a role in the WOSB/EDWOSB, has lent money to or provided financial support (including credit or guarantee of loan) to the business. SBA may also look at spouse's finances if both spouses are in same or similar line of business and businesses share names, websites, equipment and employees.

Requirements for Joint Ventures

A WOSB/EDWOSB may submit an offer as a joint venture with another small business if the following requirements are met:

- **Size:** Combined annual receipts or employees of joint venture must meet NAICS code assigned to contract*
- EDWOSB/WOSB must be **managing venturer**
- EDWOSB/WOSB employee must be **project manager** responsible for performance of the contract
- EDWOSB/WOSB must receive **at least 51% of net profits**
- The joint venture **agreement must be in writing**
- Joint venture must meet **subcontracting limitations**



Note: Joint venture agreement does not have to be approved by SBA

*Unless exception in 13 C.F.R. §121.103(h)(3) applies.

Examples of how the program works

Example 1

- The requirement is assigned NAICS 812990, Other Personal Services, and has an estimated value of \$12M
- The Contracting Officer cannot set aside the acquisition for WOSBs even though NAICS 8129 is an industry in which WOSBs are substantially underrepresented because the dollar value of the procurement exceeds the statutory thresholds. If the dollar value were less than \$3M, it could be set aside for WOSBs.

Example 2

- The requirement is assigned NAICS 518210, Data Processing, Hosting and Related Services, with an estimated value of \$2.8M
- The Contracting Officer can set aside the requirement for WOSBs because NAICS 5182 is an industry in which WOSBs are substantially underrepresented and the dollar value of the procurement does not exceed the statutory thresholds
- The Contracting Officer cannot set aside the requirement for EDWOSBs; however, since EDWOSBs are also WOSBs, they can submit an offer in response to this WOSB set aside

Example 3

- The requirement is assigned NAICS 561410, Document Preparation Services, and has an estimated value of \$2M
- The Contracting Officer can set aside the acquisition for EDWOSBs because NAICS 5614 is an industry in which WOSBs are underrepresented and the dollar value is less than the statutory threshold of \$3M
- The Contracting Officer cannot set aside the acquisition for WOSBs because NAICS 5614 is NOT an industry in which WOSBs are substantially underrepresented

WOSB Program Certification



There are two ways to certify for the WOSB program:

- **Self certification** with supporting documents, or
- **Third Party Certification** with supporting documents

Self Certification

- ▶ Free, no cost
- ▶ Register in CCR as WOSB or EDWOSB
- ▶ Compile and upload all required documents to the repository
- ▶ Represent status in ORCA

Third Party Certification

- ◆ Register in CCR as WOSB or EDWOSB
- ◆ Obtain certification from an SBA-approved Third Party Certifier
 - ❖ *Note:* At this time, SBA has not approved any Third Party Certifiers
- ◆ Compile and upload all required documents to the repository
- ▶ Represent status in ORCA

5 Steps for WOSB to Take – Get Ready to participate in the WOSB program

- 1 Read the WOSB Federal Contract program regulations in the Federal Register and the WOSB Compliance Guide
- 2 Register in Central Contractor Registration (CCR) as WOSB or EDWOSB
- 3 Log onto SBA's General Login System (GLS)
**Obtain an account now if you don't already have one*
- 4 Go to the WOSB program repository and upload / categorize all required documents
- 5 Represent your status in Online Representations and Certifications Application (ORCA)



1

Read the WOSB Federal Contract program regulations in the Federal Register and the WOSB Compliance Guide

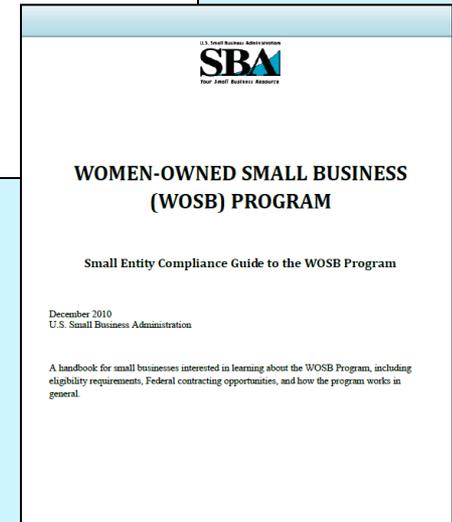
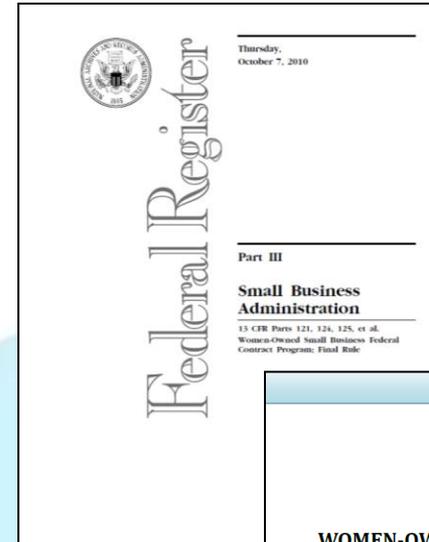
Read the WOSB Federal Contract program regulations in the Federal Register

- You can find the regulations at <http://www.sba.gov/sites/default/files/files/2010-25179.pdf>

Read the WOSB Compliance Guide

- It contains detailed information about the program, eligibility requirements and more
- You can find the Compliance Guide at www.sba.gov/wosb:
 - Under “WOSB Program Information”, click on “Compliance Guide for the WOSB Program”

Verify your firm meets all the WOSB program requirements



Available
now!

2 Register in CCR as WOSB or EDWOSB

What is the Central Contractor Registration (CCR)?

- CCR is an online government-maintained database of companies wanting to do business with the Federal government available at: <https://www.bpn.gov/ccr/default.aspx>

What do I need to do in CCR?

- To be eligible for a WOSB or EDWOSB set-aside you must check the WOSB or EDWOSB box, as appropriate
- You must meet all the requirements of a WOSB or EDWOSB to check the box

The screenshot shows the Central Contractor Registration (CCR) website. The header includes the title "Central Contractor Registration" and a navigation menu with links: CCR Home, CCR Search, Federal Agency Registration, News, Release Notes, Request Data Access, and Help. Below the header is a secondary menu with links: Contractors, Grantees, International Registrants, Small Businesses, Security Notes, and 599,691 Active Registrants. The main content area is titled "Welcome to Central Contractor Registration (CCR)" and contains a "Log in to CCR" section with fields for "User ID:" and "Password:" and a "Log In" button. Below the login section is a "Create New Registration" section with a "Start New Registration" button and a link for "What You Need to Register International Registrants". A note states: "Note: New registrations usually take 3-5 business days to process once completed by the vendor." To the right of the login section is a "Top Frequently Asked Questions" section with several links: "How do I register in CCR?", "What are my yearly renewal requirements? How do I keep my record active?", "How are CAGE Codes assigned?", "I am updating and renewing my CCR record and noticed that the D&B information provided requires changing. How can I update this data?", and "What is an MPIN? Where can I locate or assign my MPIN?". A "View All FAQs" link is also present.

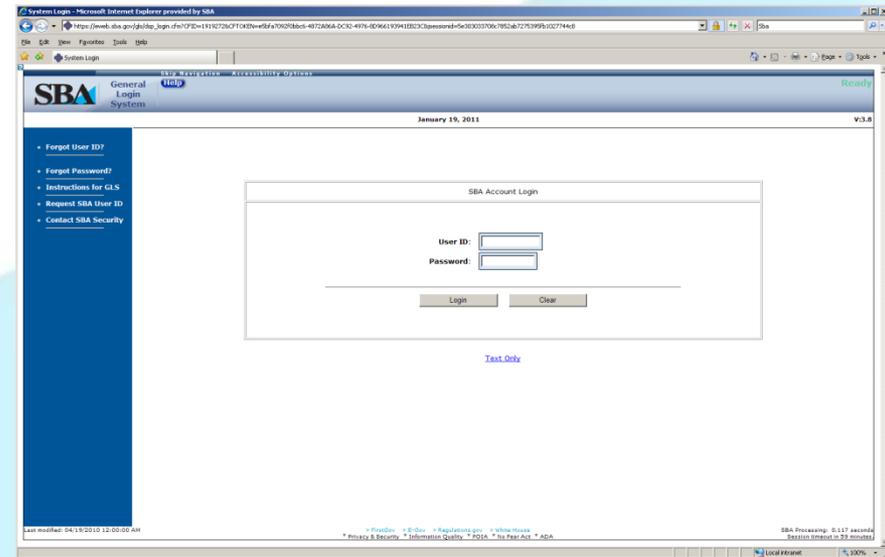
Available in
Spring 2011

Note: If this step is not available, you may skip this step and go to step #3

3 Log onto SBA's General Login System (GLS)

To participate in the WOSB program, **you must have a GLS account:**

- If you already have an account, log into your account at:
<https://eweb.sba.gov/gls>
- If you do not have an account:
 - Go to the same web address above
 - Click on “Instructions for GLS” for information on how to request an account
 - Go to “Request SBA User ID” to create an account
 - Then log into your GLS account



Available
now!

4 Go to the WOSB program repository and upload / categorize all required documents

What is the WOSB Repository?

- By statute, documents verifying a WOSB/EDWOSBs eligibility must be submitted to the contracting officer (CO)
- Rather than have WOSBs submit documents to the CO, the SBA has created a document warehouse
- A WOSB's documents in the repository can be accessed only by the WOSB, SBA and the CO (only if the firm gives the CO permission to access the documents).

How do I get to the repository?

- Once you are logged into GLS, click on "Women-Owned Small Business Program Repository"
- Instructions will be available on www.sba.gov/wosb on Feb. 4

What do I upload and categorize in the repository?

Self Certification

- ◆ Birth certificates, naturalization papers, unexpired passports to verify U.S. citizenship
- ◆ Copy of JV agreement (if applicable)
- ◆ Copy of WOSB/EDWOSB Certification (OMB approved form)
- ◆ DBA certificate
- ◆ Corporate information relating to verifying ownership by a woman or women
- ◆ EDWOSBs: All of above and SBA Form 413, Personal Financial Statement for each woman claiming economic disadvantage.

Available
Feb. 4

Third Party Certification

- ◆ Copy of Third Party Certification from an SBA Approved Third Party Certifier
- ◆ Copy of JV agreement (if applicable)
- ◆ Copy of WOSB/EDWOSB Certification (OMB approved form)

5 Represent your status in ORCA

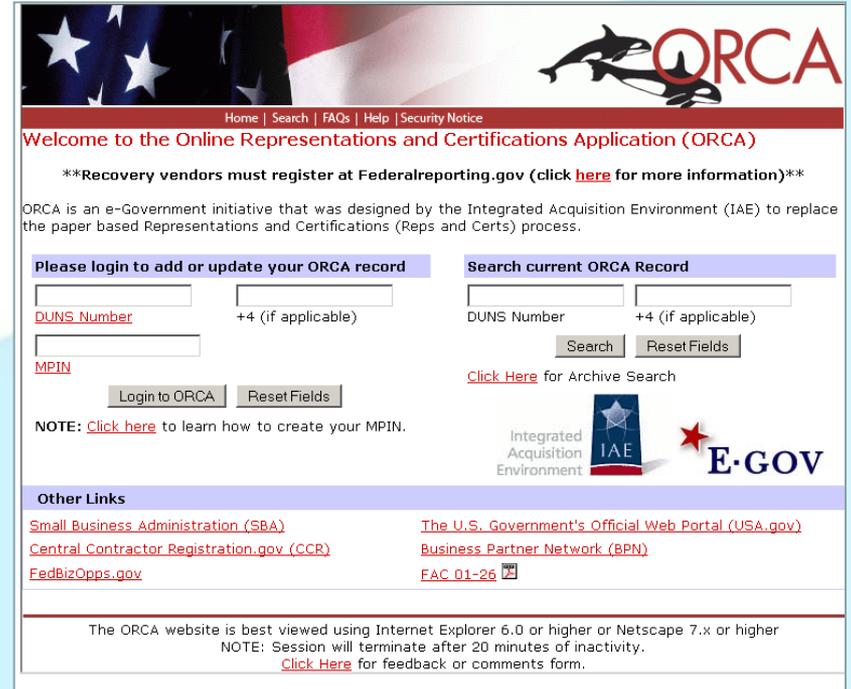
What is the Online Representations and Certifications Application (ORCA)?

- ORCA is the primary Government repository for contractor submitted representations and certifications required for the conduct of business with the Government available at:

<https://orca.bpn.gov>

What do I need to do in ORCA?

- Prior to submitting an offer for a WOSB or EDWOSB contract, you must represent your status in ORCA. Detailed instructions will be in the Federal Acquisition Regulation (FAR)



The screenshot shows the ORCA website homepage. At the top, there is a navigation bar with links for Home, Search, FAQs, Help, and Security Notice. The main heading reads "Welcome to the Online Representations and Certifications Application (ORCA)". Below this, a note states: "**Recovery vendors must register at Federalreporting.gov (click here for more information)**". A paragraph explains that ORCA is an e-Government initiative designed by the Integrated Acquisition Environment (IAE) to replace the paper-based process. The page features two main sections: "Please login to add or update your ORCA record" and "Search current ORCA Record". Each section contains input fields for DUNS Number and a "+4 (if applicable)" field, along with "Login to ORCA" and "Reset Fields" buttons. A "Click Here" link is provided for archive search. A note at the bottom left says "NOTE: Click here to learn how to create your MPIN." The footer includes logos for the Integrated Acquisition Environment (IAE) and E-GOV, and a list of "Other Links" such as Small Business Administration (SBA), The U.S. Government's Official Web Portal (USA.gov), Central Contractor Registration.gov (CCR), Business Partner Network (BPN), and FedBizOpps.gov. A disclaimer at the bottom states: "The ORCA website is best viewed using Internet Explorer 6.0 or higher or Netscape 7.x or higher. NOTE: Session will terminate after 20 minutes of inactivity. Click Here for feedback or comments form."

Available in
Spring 2011

4 Steps to compete for a WOSB federal contract

- 1 Make sure you have completed the steps to participate in the WOSB program
- 2 Identify federal contracting opportunities at the following resources:
 - FedBizOpps: <https://www.fbo.gov/>
 - SBA's Federal Business Opportunities page: <http://www.sba.gov/content/federal-business-opportunities>
- 3 Submit an offer for a contract
- 4 Grant the contracting officer access to your documents in the WOSB repository



Reviews and Protests

SBA is committed to ensuring only eligible WOSBs benefit from the WOSB program; therefore, we utilize the following tools to ensure compliance with WOSB program requirements:

Eligibility Examinations

- ◆ SBA may investigate the accuracy of any certification or representation made
- ◆ SBA will conduct regular reviews of firms who have self-certified and obtained third party certification
- ◆ A review will involve evaluation of documents uploaded in the repository and SBA may request additional documents and perform a site visit

Protests

- ◆ SBA may investigate the accuracy of any certification or representation made as it relates to a specific WOSB/EDWOSB set aside
- ◆ Only an interested party, SBA or a contracting officer may submit a protest
- ◆ A protest must be submitted to the contracting officer within certain timeframe
 - ◆ Can only protest the ownership, control and economic disadvantage requirements
 - ◆ Size protests are handled under 13 C.F.R. part 121
- ◆ SBA reviews each protest and makes a final decision, which may be appealed to the Office of Hearings and Appeal

Any WOSB/EDWOSB found to be non-compliant must remove their designation in CCR and ORCA and contracting officer shall not award them a contract

Additional key information about the WOSB program

- **The same subcontracting limitations that** apply for small business set asides apply for the WOSB program
- A **mentor-protégé program** for the WOSBs will be implemented in the next year
- By statute, the WOSB program **does not authorize sole source** awards



Other Contracting Information - Nonmanufacturers

- Resellers/nonmanufacturers can submit an offer if the NAICS codes assigned to the requirement is in a designated industry and the nonmanufacturer meets the requirements in 13 C.F.R. § 121.406(b).
- The SBA did not designate any NAICS codes in sectors 42, 44, and 45 for contracting assistance under the WOSB Program because these NAICS codes cover wholesalers and retailers.
- Contracting officers cannot assign these NAICS codes to solicitations or contracts but must assign a solicitation or contract with the applicable manufacturing NAICS code (and then the provisions of the nonmanufacturer rule would apply to any offerors that are nonmanufacturers of the items being supplied).



Parity and the WOSB Program



Procurements valued from \$3,000 to \$150,000

#1

Small business, which includes HUBZone or 8(a) or SDVO SBC or WOSB/EDWOSB

#2

Full and open competition (unrestricted; not set aside for one of the five major small business prime contracting programs)

Procurements valued over \$150,000

#1

Consider HUBZone or 8(a) or SDVO SBC or WOSB/EDWOSB first

#2

Small business set aside

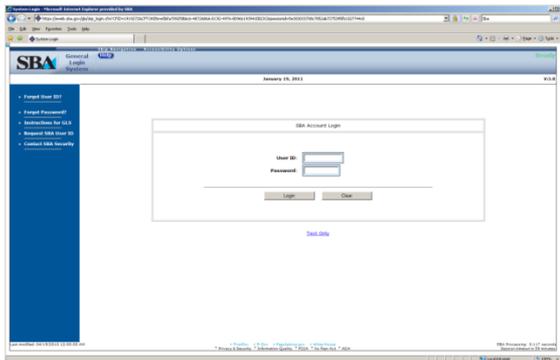
#3

Full and open competition (unrestricted; not set aside for one of the five major small business prime contracting programs)

To set-aside a contract for a WOSB/EDWOSB, contracting officers must have a GLS account and access to the WOSB program repository

SBA's General Login System (GLS)

- If you already have an account, log into your account at: <https://eweb.sba.gov/gls>
- If you do not have an account:
 - Go to the same web address above
 - Click on “Instructions for GLS” for information on how to request an account
 - Go to “Request SBA User ID” to create an account



WOSB program repository

- Once you are logged into GLS, click on the “Access” button on the top of the screen
- Under “Women Owned Small Business Program Repository”, check the “Federal Agency Contract Officer” box and press submit
- The SBA will approve your access; after you have been approved, the repository will be listed as one of your “Currently Available Applications”

To award a WOSB/EDWOSB set-aside, a contracting officer must make sure the apparent successful offeror submitted all required documents to the repository

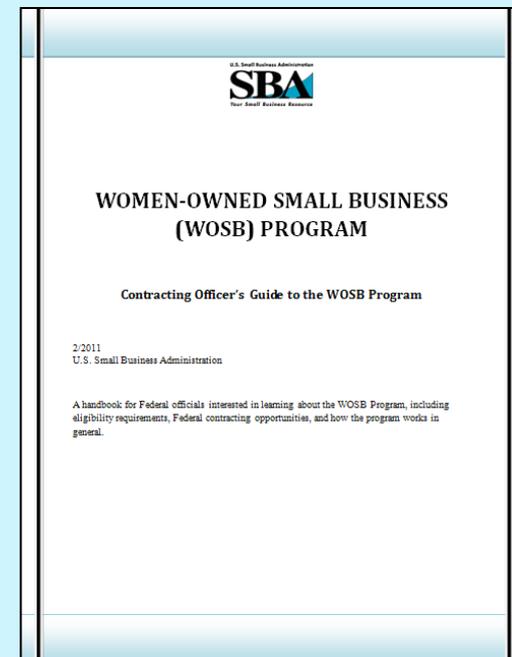
- In the WOSB program repository, contracting officers can search for a business through the “Business view” or “Solicitation View”

**Note: Contracting officers only have access to view documents of businesses that have granted them access*

- Verify the business submitted all required documents

**Note: There is a checklist of documents to look for in the Contracting Officer’s Guide*

A Contracting Officer’s Guide for the WOSB program is available at www.sba.gov/wosb



Resources and Q&A

There are a number of resources available to help answer questions about the WOSB program:

Visit our website: www.sba.gov/wosb

- ▶ You will find the latest information about the program on this site

Visit a local resource:

- ▶ Small Business District Offices
 - Find your local office at: <http://www.sba.gov/about-offices-list/2>
- ▶ Women's Business Centers
 - Find your local center at: <http://www.sba.gov/content/womens-business-centers>
- ▶ Small Business Development Centers
 - Find your local center at: <http://www.asbdc-us.org/>
- ▶ Procurement Technical Assistance Centers
 - Find your local center at: <http://www.aptac-us.org/new/>

Call the SBA Answer Desk: 1-800-U-ASK-SBA (1-800-827-5722)

How Well Do You Know Subcontracting?

Reference SBA's SBLO
Handbook Appendix L, FAQs

Current Thresholds (1 & 2)

- ◆ The threshold for requiring a subcontracting plan recently changed. What is the current threshold?
 - ❖ \$650,000
 - ❖ \$1.5 million for construction
 - ◆ FAR 19.702(a)(1)

- ◆ The threshold for the flow-down/utilization clause changed. What is the threshold?
 - ❖ \$150,000 (simplified acquisition threshold)
 - ◆ FAR 19.708(a)

SDB & HZ Status (3 & 4)

- ◆ A firm can self-represent that it qualifies as an SDB for the federal subcontracting program if it believes in good faith that it is owned and controlled by one or more socially and economically disadvantaged individuals. (True)
 - ❖ FAQs #31
- ◆ HUBZone status can be validated on CCR or Dynamic Small Business Search - the SBA controls that information.
 - ❖ FAQs #34

NAICS & Self-Certification (5 & 6)

- ◆ When a company is small for employee-based NAICS Codes but 'other than small' for revenues-based NAICS Codes, their size will be based on the NAICS Code of the subcontract.
 - ❖ FAQ #36
- ◆ Prime contractors cannot use CCR and ORCA in lieu of written self-certifications from subcontractors who are counted as small.
 - ❖ FAR 4.12 (ORCA limited to size of prime contractor) & FAQ #38

JVs & Subcontracting Plans (7)

- ◆ The contract will be awarded to the JV; the subcontracting plan will then have the name of the JV; and the JV should submit its reports under the name of the JV.
 - ❖ FAQ #41
- ◆ The JV cannot take credit for the JV's accomplishments toward their own subcontracting goals, even if one partner to the JV is a small business.
 - ❖ FAQs #42 and 43

Reporting & Goals (8 & 9)

- ◆ Prime contractors should roll-in option year goals on the ISR “Goals” column only when the options are exercised.
 - ❖ FAR 52.219-9(i) and FAQ #7
- ◆ Once the subcontracting plan has been approved and made a material part of the contract, the prime contractor must comply with the plan, which includes submitting the required reports, even if it has not yet reached \$650,000 worth of orders.
 - ❖ FAQ #29

Excluded from Reporting? (10)

1. Subcontracts for services performed entirely outside the US – Yes (FAQ #14)
2. Purchases from your firm's subdivision – Yes (FAQ #1)
3. Customer directed subcontracts – No (FAQ #1)
4. Subcontracts awarded to non-profits – No (FAQ #2)
5. Awards made between JV partners – Yes (FAQ #42)
6. Awards made by a subcontractor to their lower-tier subcontractor – Yes (FAQ #1)

Bonus Q: Subcontracts for products manufactured outside the US must be included. (FAQ #14)

Miscellaneous Items

- ◆ Public Meetings on Jobs Act Implementation
 - ❖ Schedule in Federal Register Vol. 76, No. 44, 3/7/11
 - ❖ Closest: NYC – 3/30; Boston – 4/1; DC – TBD.

- ◆ Focus on Increasing SB Participation in Federal Contracting
 - ❖ Agency goal achievement emphasized
 - ❖ Outreach efforts enhanced
 - ❖ Share success stories & best practices
 - ❖ Maximize FSS opportunities for SB
 - ❖ Balance insourcing and outsourcing