




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
ACQUISITION AND GRANTS OFFICE

April 8, 2014

MEMORANDUM FOR: Deputy Assistant Administrators
Staff Office Directors

FROM: Mitchell J. Ross 
Director

SUBJECT: Revised Acquisition Instruction 14-01A Standard Operating
Procedure for the NOAA Acquisition and Grants Office Small
Business Program 01-A

This memorandum is to provide the attached revised Acquisition Instruction (AI) 14-01A and updated Standard Operating Procedure (SOP) on the NOAA Acquisition and Grants Office (AGO) procedures for the NOAA AGO Small Business Program 01-A.

The SOP is applicable to all procurements with a life-cycle cost exceeding the micro-purchase threshold. NOAA AGO will follow the SOP in its efforts to maximize the utilization of responsible small business concerns for procurements in order to meet its small business goals. The SOP provides the policy, procedures, requirements, and responsibilities for NOAA AGO Contracting Officers, contract specialists, and individuals with a delegated procurement authority (Field Delegates). This update provides clarification to specified procedures within the SOP.

Questions pertaining to the SOP may be addressed to Mr. Jeff Hale, Small Business Officer, AGO at jeffrey.hale@noaa.gov, or by telephone at (301) 628-1411.

Attachment:
Revised Acquisition Instruction 14-01A

April 8, 2014

Revised Acquisition Instruction 14-01A

Standard Operating Procedure for the NOAA Acquisition and Grants Office Small Business Program 01-A

A. Purpose

This Revised Acquisition Instruction (AI) 14-01A incorporates changes to Acquisition Instruction 14-01 dated February 18, 2014 and establishes the updated Standard Operating Procedure (SOP) for the NOAA Acquisition and Grants Office (AGO) Small Business Program 01-A. The Acquisition Instruction is effective immediately and remains in effect until rescinded.

B. Background

The SOP for the NOAA Small Business Program is established to provide the procedures to be applied to all procurements with a life-cycle cost exceeding the micro-purchase threshold. NOAA will maximize the utilization of responsible small business concerns for procurements above the micro-purchase threshold and below the simplified acquisition threshold (SAT) in order to meet and exceed its small business goals. The revisions to this Acquisition Instruction were determined necessary for the purpose of providing clarification to specified procedures within the SOP and ensuring compliance with current regulations/policy.

C. Applicability

All NOAA AGO Contracting Officers, contract specialists, and individuals with delegated procurement authority (Field Delegates) shall follow the SOP and published revisions to the SOP for executing procurements exceeding the micro-purchase threshold. The updated SOP incorporates the following revisions to the NOAA Small Business Program:

1. Section 2, Page 3, first bulleted paragraph: Deleted part of the last sentence and added language clarifying that CD-570 reviews shall be in accordance with Section 6 of the SOP.
2. Section 2, Page 3, second bulleted paragraph: Added BPAs to clarify that they should also be considered for set-aside if two or more small businesses have been awarded them.
3. Section 5, Page 5, third bullet: Deleted the second half of this bullet and clarified that RFIs should include all available resources, including an element for small businesses.
4. Section 6, Page 6, numeral 4: Added this exemption to the CD-570 process to clarify that the document is not required for approval when the requirements of this exemption are met.
5. Section 7, Page 9, second paragraph: Deleted the paragraph that was there to clarify that separate subcontracting plans are not required for GSA orders and that the GSA CO is the responsible party for the subcontracting goals for task orders awarded to GSA by NOAA.

6. Section 7, Page 9, third paragraph: Added clarification that the subcontracting plan template is optional and vendors can utilize their own templates, if applicable.
7. Section 9, Page 10: Revised to better clarify when a pre-award notice is required.
8. The Revised Standard Operating Procedure, attached, is now numbered as part of this revision.

D. Point of Contact

Questions concerning this Acquisition Instruction should be directed to Jeff Hale, Small Business Officer, Acquisition and Grants Office at Jeffrey.Hale@noaa.gov, or by telephone at (301) 628-1411.

Attachment:

Standard Operating Procedure for the NOAA Small Business Program 01-A

STANDARD OPERATING PROCEDURE FOR THE NATIONAL OCEANIC &
ATMOSPHERIC ADMINISTRATION SMALL BUSINESS PROGRAM 01-A

UPDATED April 7, 2014

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1.0 INTRODUCTION

The purpose of this Standard Operating Procedure (SOP) is to establish procedures for the Small Business Program of the NOAA Acquisition and Grants Office (AGO), a Bureau of the Department of Commerce (DOC). This SOP applies to all procurements with life cycle costs exceeding the micro-purchase threshold (currently \$3,000). Contracting officers (CO), contracting specialists (CS) and individuals with delegated procurement authority (Field Delegates) are required to follow this SOP when performing work for NOAA. The policy and regulations applicable to the NOAA Small Business Program include: the Federal Acquisition Regulation (FAR) Parts 8 & 19; the NOAA Acquisition Manual, DOC Form CD-570; The Small Business Act (Public Law 85-536); the Small Business Jobs Act of 2010 (Public Law 111-240); and any other applicable Federal laws or regulations.

2.0 PRIORITY

- **Procurements above the micro-purchase threshold and below the simplified acquisition threshold (SAT):** Paramount to NOAA meeting its small business goals is the maximum utilization of responsible small business concerns for procurements which fall above the micro-purchase threshold and below the SAT. Purchases in this range are automatically reserved exclusively for small business concerns and shall be set aside for small businesses, unless the CO determines there is no reasonable expectation of receiving offers from two or more responsible small business concerns that are competitive in price, quality, and delivery. Prior to setting aside the requirement for small businesses in general, however, the CO shall first consider set-asides for one of the small business socioeconomic programs. Although set-asides for these programs are not required for purchases under the SAT, they are highly encouraged. Moreover, they are paramount to NOAA meeting its socioeconomic small business goals.
- **Procurements above the SAT:** The CO shall set aside any acquisition above the SAT for small businesses when there is a reasonable expectation that offers will be obtained from at least two responsible small business concerns and that the award will be made at fair market prices. However, the CO shall first consider the small business socioeconomic contracting programs [i.e., 8(a), HUBZone, Service Disabled Veteran Owned Small Business (SDVOSB) or Woman Owned Small Business (WOSB) programs] before considering a small business set-aside. In accordance with the Small Business Parity Rule, implemented by FAR 19.203(a), there is no order of precedence among the small business socioeconomic programs. If multiple socioeconomic programs are represented and determined to be capable, the CS/CO shall engage the NOAA Small Business Officer (SBO) to determine which socioeconomic program award would be the most beneficial to NOAA.
- The Committee for Purchase From People Who Are Blind or Severely Disabled (Ability One) maintains a Procurement List of supplies and services at prices established by the Committee; http://www.abilityone.org/work_with_us/procurement.html. **If** the item or service contemplated for purchase is **on** the Procurement List, then the order of precedence is as follows:

- **Supplies:** Federal Prison Industries (FPI), AbilityOne, small business set-aside (commercial source).
- **Services:** AbilityOne, small business set-aside/FPI

Note: The CO must conduct market research to confirm that the FPI is competitive with respect to price, quality, and delivery time, for both supplies and services, in order for the FPI to be given first consideration.

There is no requirement to contract with AbilityOne for a supply or service that is not currently on its Procurement List. Adding a supply or service to the Procurement List requires adherence to a Federal Register process which includes a comment period. If the supply or service is not on the Procurement List the CS/CO shall move to the next priority source in accordance with FAR 8.002.

- The use of the General Services Administration (GSA) Federal Supply Schedules is not mandatory for the Department of Commerce. Agencies (or ordering activities) may use the GSA multiple award schedule contracts as an optional source to obtain supplies and services. FAR 8.405-5 gives COs the discretion (authority) to set aside orders, including blanket purchase agreements (BPA) for any of the small business categories. When utilizing the GSA Schedule small business set-asides and set-asides for socioeconomic small business programs are highly encouraged and required to be considered. A Small Business Set-Aside Review form (CD-570) must be approved in accordance with section 6 of this SOP.
- The set-aside provisions of FAR 19.502-2(b) apply to competitions for task and delivery orders issued under multiple-award contracts and Blanket Purchase Agreements (BPA's). A multiple-award contract is one in which more than one vendor is awarded a contract for the same supply or service and each vendor under contract is given the opportunity to compete for task and/or delivery orders. The set-aside provisions of FAR 19.502-2(b) are applicable when the vendors under this type of contract are of mixed business sizes and there are at least 2 small businesses. The CS/CO shall make a set-aside determination prior to issuing a solicitation to all vendors under the contract.

3.0 SBA 8(A) PROGRAM

DOC currently has a Partnership Agreement in place with the SBA for matters relating to the 8(a) program. The Partnership Agreement can be found at <http://www.sba.gov/content/sba-agencies-executed-partnership-agreements> (click on "Department of Commerce"). This agreement delegates SBA's contract execution functions to the DOC Bureaus in certain circumstances and further explains the process that COs shall adhere to when procuring through this program. The partnership agreement provides for the awarding of contracts, contract modification options and purchase orders under the provisions of Section 8(a) of the Small Business Act as implemented by FAR Subpart 19.8. The Agreement clearly details both SBA's and DOC's responsibilities when awarding to 8(a) vendors and shall be followed by NOAA when award is contemplated for this program.

4.0 NAICS CODE SELECTION AND THE NON-MANUFACTURER RULE

The CO shall select an applicable North American Industry Classification System (NAICS) code for every solicitation. The CO designates the size standard of the procurement by selecting the size standard in effect on the date the solicitation is issued. NAICS codes can be found in SBA's Table of Small Business Size Standards located at <http://www.sba.gov/content/small-business-size-standards>. The NAICS code chosen shall be that which best describes the principal purpose of the product or service being acquired. Considerations shall include:

- Descriptions in the NAICS website (<http://www.census.gov/eos/www/naics/>)
- Product or service description in the solicitation
- Value of the components of the procurement
- Function of the goods or services being purchased

In accordance with 13 C.F.R. § 121.402(b) procurements for supplies shall be classified under the appropriate manufacturing NAICS code, and NOT under the wholesale or retail trade NAICS code. **NAICS SECTORS 42, 44 and 45 ARE NOT TO BE USED TO CLASSIFY GOVERNMENT PROCUREMENT OF SUPPLIES OR SERVICES.** The SBA Table of Small Business Size Standards stipulates at the top of the section for NAICS Sectors 42, 44, & 45 that "these NAICS codes shall not be used to classify Government acquisitions for supplies. They also shall not be used by Federal government contractors when subcontracting for the acquisition for supplies. The applicable manufacturing NAICS code shall be used to classify acquisitions for supplies. A Wholesale Trade or Retail Trade business concern submitting an offer or a quote on a supply acquisition is categorized as a non-manufacturer and deemed small if it has 500 or fewer employees and meets the requirements of 13 CFR 121.406."

The CS/CO shall be cognizant of the U.S. Small Business Administration Office of Government Contracting Non-Manufacturer Rule (NMR). This rule applies to firms that receive supply contracts above \$25,000, under the 8(a) program or on a small business set aside. The rule requires the vendor to be either a manufacturer or a qualified non-manufacturer of the product. A non-manufacturer awarded one of these contracts must agree to supply the product of a domestic small business manufacturer or processor or else the SBA must issue a waiver. The SBA can waive the NMR when there are no small business manufacturers or processors available to supply the product. There are two types of waivers to the NMR: (1) individual waivers, which apply only to a specific contract and are effective for the life of that contract, and (2) class waivers, which apply to categories of items and continue in effect unless revoked by SBA. Once a waiver of the NMR is approved, a firm may supply the product of a large manufacturer under a small business set-aside. However, there are no NMR waivers for BPAs, services or construction contracts, HUBZone contracts or NAICS codes outside of sectors 31-33, Manufacturing.

SPECIAL NOTE: In order to be eligible for an award, FAR 4.11 requires that vendors be registered in the System for Award Management (SAM). Vendors are **NOT REQUIRED** to include the NAICS codes specified in the solicitation on their SAM profiles in order to be eligible for awards. Under FAR 19.302, if the CS/CO has reason to believe a firm in line for award is not a small business, the CS/CO shall refer the matter to SBA as a size protest. The CS/CO is not authorized to make size determinations of self-certified small businesses.

5.0 MARKET RESEARCH

It is essential that the market research undertaken encourages maximum practicable small business participation and that first consideration be given to socioeconomic programs when the dollar value of the requirement is above the SAT. Market research shall be in accordance with FAR 19.203(c). (See Appendix 3 for additional assistance in selection and utilization of socioeconomic programs.) The extent of market research performed by the CS/CO will vary depending upon such factors as: urgency, estimated dollar value, complexity, and past experience. The results of the market research shall be documented in a manner appropriate to the size and complexity of the acquisition. Market research can include outreach efforts from both the program and contracting offices. The market research may include a suggested source list, original market research documents from the program office, emails, records of teleconferences, company brochures, letters/correspondence from industry or other sources such as manufacturers, and other relevant documentation, as required.

The following resources shall be considered for use in conducting market research. The CS/CO may use other resources as deemed necessary:

- Reviewing the list of vendors registered to do business with NOAA at http://www.ago.noaa.gov/quicklinks/small_business.html and clicking on the link titled “Vendor Profiles (NOAA Internal Use Only)”;
- Reviewing SBA’s Dynamic Small Business Search engine located at http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm;
- Issuing Requests for Information (RFI) or Sources Sought notices in Federal Business Opportunities (FedBizOpps). The purpose of the RFI is to collect information to improve the quality of the requirement and enable the government to take advantage of the expertise available from industry sources. Therefore, an RFI should be made available to all potential sources and it should be descriptive and thorough so as to enable industry sources to offer their best insight. One element of an RFI is to inform the government about the capabilities and expertise that might reside in the small business community so as to help better inform set aside decision making. This includes differentiation among socioeconomic small business firms and the larger small business community.
- Contacting knowledgeable individuals in Government and industry regarding market capabilities;
- Reviewing the results of recent market research undertaken to meet similar or identical requirements;
- Participating in interactive, on-line communication with industry, acquisition personnel and customers;
- Obtaining source lists of similar services from other contracting activities or agencies, trade associations, or other sources;

- Publishing formal requests for information in appropriate technical or scientific journals or business publications;
- Reviewing catalogs and other generally available product literature published by manufacturers, distributors, and dealers or available on-line (for example, GSA E-schedules Library).
- Conducting interchange meetings or holding pre-solicitation conferences to involve potential offerors early in the acquisition process.

6.0 CD-570 REVIEW PROCESS

Full execution of the Small Business Set-Aside Review process, including completion of form CD-570, requires the participation, coordination, and cooperation of all members of the acquisition team. The CD-570 form shall be completed by the CS/CO and approved by all applicable parties, prior to the release of the solicitation. A federal employee (CS/CO) shall sign the CD-570 in block 8. Contractor personnel are prohibited from signing this form. The FAAPS ID Number shall be populated in the appropriate section of the CD-570 for all transactions over the SAT. For file documentation purposes, the CD-570 form is required for all transactions over the micro-purchase threshold, regardless of dollar value.

The NOAA SBO and NOAA Small Business Specialists (SBS) are focal points for the review process. They serve as resources in acquisition planning and are available to answer questions regarding strategy. A CD-570 form must be submitted for approval in the following cases:

1. **ALL PROCUREMENT ACTIONS** valued under the SAT not set-aside for small businesses, including task & delivery orders issued against multiple award contracts and sole source requests to other than Small Businesses;
2. **ALL PROCUREMENT ACTIONS** valued above the SAT, regardless of set-aside determination, including task & delivery orders issued against multiple award contracts and sole source requests to other than Small Businesses;
3. Modifications to existing contracts awarded to other than Small Businesses which add new work valued over \$650,000 or increase the total contract cost or price to over \$650,000.
4. **Exemption:** Task Orders under multiple award contracts or a call under BPA's where there are either no small businesses or only one small business with a base award. A CD-570 is still required for file documentation purposes; however, approval from the SBS or SBO is not required.

The CS/CO shall complete a digital version of the CD-570 form utilizing an electronic signature and route the electronic document to the appropriate offices as shown in the chart below:

AGO Office	Transaction Dollar Value	Contracting Officer Determination	CD-570 Submittal Requirements
Field Delegate	\$3,000 - \$150,000	Set-aside	NO
	\$3,000 - \$150,000	Not Set-aside	NOAASB@noaa.gov
EAD*	\$3,000 - \$150,000	Set-aside	NO
	\$3,000 - \$150,000	Not Set-aside	EADSB@noaa.gov
	\$150,000 and above	Set-aside for SB Socioeconomic Group	EADSB@noaa.gov
	\$150,000 and above	Set-aside for SB	EADSB@noaa.gov with a copy to NOAASB@noaa.gov
	\$150,000 and above	Not Set-aside	NOAASB@noaa.gov after approval from Division SBS
SSAD*	\$3,000 - \$150,000	Set-aside	NO
	\$3,000 - \$150,000	Not Set-aside	NOAASB@noaa.gov
	\$150,000 and above	All Actions	NOAASB@noaa.gov
WAD*	\$3,000 - \$150,000	Set-aside	NO
	\$3,000 - \$150,000	Not Set-aside	WADSB@noaa.gov
	\$150,000 and above	Set-aside for SB Socioeconomic Group	WADSB@noaa.gov
	\$150,000 and above	Set-aside for SB	WADSB@noaa.gov with a copy to NOAASB@noaa.gov
	\$150,000 and above	Not Set-aside	NOAASB@noaa.gov after approval from Division SBS

*The reviews in this table are the minimum required for NOAA. AGO Division Directors may, at their discretion, require more restrictive reviews as they see fit.

The SBO/SBS review ensures that the Small Business Set-Aside Review package is accurate and complete. (See Section 6.2 below for package requirements.) For requirements above the SAT that are not set aside, the SBO will submit the package to the SBA Procurement Center Representative (PCR) for review, after approval by the Division SBS. In accordance with FAR 19.402(c)(2), the PCR is required to make a recommendation to the CO within 15 days of receipt of the complete Small Business Set-Aside Review package.¹ If the PCR disagrees with a determination of the SBS, SBO or CO, the review/appeal process can add up to 76 days to the milestone plan. Adherence to the requirements of this SOP will enable the timeline to be met, minimize the need for appeals and keep disruption of the review process to a minimum.

¹ In accordance with FAR 19.202-1(e)(1), if the requirement is bundled/consolidated and it is unlikely small businesses will be able to compete for the prime contract, there is a 30 day review timeframe allotted to the PCR.

6.2 SMALL BUSINESS SET-ASIDE REVIEW PACKAGE REQUIREMENTS¹

The Small Business Set-Aside Review package shall include the following:

- The completed Small Business Set-Aside Review form CD-570 with digital signature and date [current version as of the date of this SOP is labeled “OSDBU 2011 (NOAA) V4”];
- Purchase Request;
- Specification/Statement of Work/Performance Work Statement or Statement of Objectives;
- For 8(a) procurements only: Offering Letter (signed by the CS/CO);
- Subcontracting plan information (see FAR 19.702) including type of subcontracting plan proposed (i.e. master, commercial or individual) and suggested goals, if applicable. If no subcontracting opportunities exist, a memo signed at a level above the CO shall be included in accordance with FAR 19.705-2(c);
- Sources Sought Notice, Request for Information, or Special Notice (with results)
- Independent Government Cost Estimate;
- Justification for Other than Full and Open Competition (JOFOC) with legal review (as applicable) and the documented posting;

6.3 DOC/PCR REVIEWS OF SMALL BUSINESS REVIEW FORM (CD-570)

- The Small Business Set-Aside Review package will be forwarded by the SBO for any action requiring additional levels of review, such as Full and Open competition or Sole Source above the SAT.
- The SBO will review each package and document the results in a memorandum to the PCR with the following information cited:
 - Worked cooperatively with the CO to remove any unnecessarily restrictive requirements from the market research notice and SOW/specifications that may have hindered small business participation.
 - Ensured market research targeted small business concerns and that socio-economic and small businesses were made aware of and given adequate opportunity to learn about the planned acquisition and to express their interest in bidding on the contract.
 - Guarded against or mitigated contract bundling.
 - Ensured the proposed subcontracting plan provides meaningful small business goals and opportunities for socioeconomic and small business concerns.
- The PCR has 15 calendar days to review each package.
- The SBS shall provide the Small Business Set-Aside Review packages to the SBO at least three business days prior to the targeted PCR review date to ensure adequate review, rework (if necessary), and delivery to the PCR. The milestone plan shall allow for an 18 day review period inclusive of the SBO & PCR reviews.
- Solicitations **shall not** move forward until an approved Small Business Set-Aside Review form (CD-570) is obtained from the SBO/PCR.

¹ The entire package shall be labeled as “PROCUREMENT SENSITIVE –FOR OFFICIAL USE ONLY” in accordance with FAR 2.101 and 3.104

7.0 SUBCONTRACTING PLANS

A subcontracting plan is required whenever the dollar value of an acquisition exceeds \$650,000 and the anticipated awardee is other than a small business. This requirement includes non-profit organizations. Subcontracting goals need to be realistic in relation to the work that is being procured and therefore should not simply be dictated by the CO. Rather, the CO shall consider the requirement and historical accomplishment prior to setting any goals for a subcontracting plan in the solicitation.

Awards made to GSA contracts, including orders and BPA's, do not require a separate NOAA subcontracting plan. The subcontracting plans for these contracts are reviewed and administered by GSA at the base contract level and not at the order level. The GSA CS/CO may reach out to the NOAA CS/CO to verify validity of order information when they review the vendors report in eSRS. Task orders issued under NOAA Multiple Award Contracts also do not require a separate subcontracting plan, unless there is no subcontracting plan at the base contract level.

Prior to awarding a contract, the CS/CO shall provide the SBO a copy of the subcontracting plan and the "NOAA Subcontracting Plan Review Form" (See Appendix 4). NOAA's standard subcontracting plan template should be utilized for subcontracting plans (See Appendix 5); however, this is not required and vendors are free to utilize their own version. The SBO will review the subcontracting plan and provide comments to the CS/CO prior to the SBO submitting the plan to the PCR for review, in accordance with FAR 19.705-4(d)(7). The PCR will focus on subcontracting plans containing low or zero goals in any small business category. Every contract has the potential for subcontracting opportunities, even if only through indirect cost categories, such as office supplies and travel. Therefore, the PCR may recommend small business goals and strategies to increase small business participation. The CS/CO shall not award the contract until the PCR has been given the opportunity to submit comments. Although PCR feedback is advisory in nature the PCR reports to management as to whether the CO adequately addressed PCR input. Moreover, vendors submitting low goals for small business sub-contracting must be prepared to justify them.

8.0 RESPONSIBILITY DETERMINATIONS

In accordance with FAR 19.601 in order to exclude an apparent successful small business offeror from an award, the CS/CO shall: (1) determine it to be non-responsible, (2) request a Certificate of Competency (COC) from SBA and (3) submit the COC with required documentation to SBA. A checklist of the required documentation is shown Appendix 6. If the SBA does not issue the COC, the CS/CO may then exclude the vendor from an award.

9.0 AWARD AFTER SET-ASIDE

In accordance with FAR 15.503(a)(2) the CS/CO shall provide a pre-award notice to all offerors prior to award. This requirement is only applicable in instances where the CS/CO utilizes contracting by negotiation (FAR Part 15). The pre-award notice shall state: the name and address of the apparent successful offeror; that the Government will not consider subsequent revisions of the offeror's proposal; and that no response is required unless a basis exists to challenge the size status or small business status of the apparent successful offeror. In accordance with 13 CFR 121.1004, protests must be received by the CS/CO prior to close of business on the 5th working day after receipt of the pre-award notification. Thus, the CS/CO shall delay the award until after the 5th working day period has expired.

In accordance with FAR 13.106-3(c) notification to offerors for procurements that do not exceed the SAT shall be provided only if requested or required by FAR 5.301. No pre-award notification is required for SAT purchases; however, vendors still have the authority to protest the award within the time limits specified above once they obtain notification of the award.

When appropriate, the CS/CO shall follow size protest regulations as stated in FAR 19.302. A checklist containing the required documentation to accompany a size protest, for submittal to SBA, is provided in Appendix 7. A CS/CO **shall not** make a size determination or dismiss a case. The authority for these actions rests solely with SBA.

10.0 NOAA SBO/SBS DUTIES

- Reviews the completed Small Business Set-Aside Review packages in accordance with the table in Section 6.0. Additional documentation may be required, upon request from the SBO/SBS¹.
 - The Small Business Set-Aside Review package will not be sent forward for additional reviews until the SBO has approved the package. The Contracting Officer shall not move forward with solicitations without an approved Small Business Set-Aside Review form (CD-570).
- Coordinates Small Business capability presentations for program offices and COs.
- Reviews Small Business Set-Aside Review packages that are set-aside for authorized socioeconomic programs and other small businesses; makes a recommendation determination; and returns the package to the CS/CO.²
- Conducts random reviews of solicitations posted to the marketplace (FedBid, FedBizOpps, E-Buy).
- Conducts random reviews of awards using the Small Business Set-Aside Review form CD-570 and other data such as: solicitation and award information [including the NOAA procurement system and Federal Procurement Data System-Next Generation (FPDS-NG)] to verify accurate reporting of contract information and compliance with small business set-aside recommendations.

¹ The SBO/SBS should be brought into the acquisition process long before a small business set-aside review form is submitted for review to ensure that small businesses have been afforded the proper opportunities to convey their capabilities.

²The actions set aside for small business will include a review as to why the action was not further set-aside for small businesses in one of the socioeconomic programs.

11.0 AUTHORITIES

Form CD-570 [OSDBU 2011 (NOAA)] “Small Business Set-Aside Review”
Federal Acquisition Regulation (FAR) Parts 19-26
DOC/SBA Partnership Agreement
FAR Subsection 8.405-5
NOAA Acquisition Handbook
The Small Business Act (Public Law 85-536)
Small Business Jobs Act of 2010 (Public Law 111-240)

12.0 APPENDICIES

Appendix 1: PCR Appeal Process Timeline
Appendix 2: CD-570 Version: “OSDBU 2011 (NOAA) V4”
Appendix 3: Small Business Programs Decoded
Appendix 4: NOAA Subcontracting Plan Review Form
Appendix 5: NOAA Subcontracting Plan Template
Appendix 6: Certificate of Competency Checklist
Appendix 7: Size Protest Checklist

Appendix 1: PCR Appeal Process Timeline

CD-570 Non-Concurrence Timelines

Action	Timeline
<p>PCR review of CD-570:</p> <p>(a) Concurs and no further action necessary (b) Non-concurs and may include recommendation for alternate contracting method.</p>	Completed within <u>15 days</u> after receipt of CD-570 (FAR 19.402)
<p>CO:</p> <p>If the CO does not accept the PCR's recommendation, must notify PCR in writing.</p>	Completed within 5 working days (FAR 19.505)
<p>PCR:</p> <p>(a) May issue an informal Form 70 in an attempt to resolve matter before filing a formal appeal, or (b) File a formal appeal Form 70 to the head of the contracting activity (HCA)</p>	Completed within 2 working days after receipt of CO's written rejection.
<p>HCA:</p> <p>Provide PCR with written decision whether he/she agrees with PCR's recommendation or other action agreeable to PCR, or if HCA agrees with the CO's rejection.</p>	Completed within 7 working days.
<p>PCR:</p> <p>If HCA agrees with the CO's rejection, the PCR may request the CO to suspend action on the acquisition while she concurs with SBA management.</p>	Completed within 2 working days.
<p>SBA Administrator:</p> <p>May appeal to the DOC Secretary and concurrently notify the CO whether further appeal has been taken.</p>	Completed within 15 working days.
<p>CO:</p> <p>Upon receipt of notice by SBA Administrator, must suspend contract action until notification is received that the SBA appeal has been settled.</p>	
<p>DOC Secretary:</p> <p>Secretary shall reply to the SBA Administrator. The decision of the Secretary is final.</p>	Completed within 30 working days.

Appendix 2: CD-570 Version: “OSDBU 2011 (NOAA) V6”

Form CD-570
Rev. 03-11

U.S. Department of Commerce

SMALL BUSINESS SET-ASIDE REVIEW**1. PROCURING OFFICE**

Contracting Office: _____

Contract Specialist: _____

Telephone Number: _____

Building/Room Number: _____

2. REQUESTING OFFICE

Program Office: _____

Requisitioner: _____

Telephone Number: _____

Requisition Number: _____**3a. DESCRIPTION/TITLE**☐ New ☐ Recompete ☐ Contract Modification

3b. Estimated Total Contract Value: \$ _____

3c. Subcontracting Plan Required: ☐ Yes ☐ No (Attach justification)3d. Consolidated Requirement: ☐ Yes ☐ No3e. Contract Bundling: ☐ Yes ☐ No**5. SMALL BUSINESS SIZE STANDARD**

NAICS Code: _____ Number of Employees: _____

Dollar Amount: \$ _____

4. ESTIMATED ACQUISITION SCHEDULE

Proposed Synopsis Date: _____

Contract Award Date: _____

Period of Performance: _____

6. PROPOSED SOURCES (Indicate number of sources considered for each category. Attach a list of the sources.)

_____ Small Business	_____ HUBZone SB
_____ WOSB	_____ SDB/8(a)
_____ SDB	_____ VOSB
_____ SDVOSB	_____ Other (Specify: _____)

7. RECOMMENDED ACTION (select only one)☐ Small Business Set-Aside ☐ HUBZone Set-Aside ☐ SDVOSB Set-Aside ☐ WOSB Set-Aside ☐ 8(a) Set-Aside☐ GSA (or other Agency Contract) ☐ Full and Open Competition* ☐ Other (Specify: _____)***If Set-Aside is not recommended must attach justification)**8. CONTRACT SPECIALIST/OFFICER: _____
(Signature & Date)9. REVIEW BY BUREAU SMALL BUSINESS SPECIALIST: ☐ Recommendation Accepted ☐ Recommendation Not Accepted ☐ Other Comments_____
(Signature & Date)10. REVIEW BY OSDBU ~~IP QCC TO CNN DWU~~ ~~IP GUU QH HEGT~~ ☐ Recommendation Accepted ☐ Recommendation Not Accepted ☐ Other Comments_____
(Signature & Date)11. REVIEW BY SMALL BUSINESS ADMINISTRATION: ☐ Recommendation Accepted ☐ Recommendation Not Accepted ☐ Other Comments_____
SBA PCR (Signature & Date)☐ SBA Appeal (Form 70 attached)

Instructions for Completing Form CD-570

This form is required to be completed by the contract specialist or contracting officer (block numbers 1 through 8), and approved by the small business specialist (SBS), OSDBU official, and SBA Procurement Center Representative (PCR). The CD-570 is required for the following actions:

- Full and open procurement actions valued at \$3,000 - \$150,000 for SBS approval. (Subpart 19.502-2).
- Procurement actions including contracts, BPAs, and purchase orders not set-aside for small business and valued above \$150,000. (Subpart 19.502-2);
- Modifications to existing contracts that add new work valued over \$650,000 or that increase the total contract cost to over \$650,000;
- Consolidation of two or more acquisition requirements;
- Bundling of two or more contracts;
- Orders under Federal Supply Schedules (FSS) and Government-wide Acquisition Contracts (GWAC) valued above \$150,000.

The following actions are excepted from CD-570 process:

- Purchases of less than \$3,000;
- Orders under bureau or DOC IDIQ contracts (unless otherwise instructed by OSDBU);
- Purchases under the JWOD Program (Part 8);
- Modifications to contracts extending performance time, decreasing funds, or administrative changes.

Block 1. PROCURING OFFICE

Enter the contact information of the procuring office submitting this form.

Block 2. REQUESTING OFFICE

Enter contact information of the program office.

Block 3a. DESCRIPTION/TITLE

Enter brief description of the required product or service or project title. Attach statement of work. Check appropriate box to indicate if requirement is new, recompetes, or contract modification.

Block 3b. ESTIMATED TOTAL CONTRACT VALUE

Enter the value of the independent government cost estimate based on the contract life of the requirement.

Block 3c. SUBCONTRACTING PLAN REQUIRED

Check appropriate box to indicate if subcontracting plan is required. Applicable to acquisitions expected to exceed \$650,000 for goods or services, or \$1.5 million for construction (Subpart 19.702). Justification must be attached if "No" is checked.

Block 3d. CONSOLIDATED REQUIREMENT

If "yes," attach description of requirements and justification for consolidation.

Block 3e. Contract Bundling

If "yes," attach justification, along with results of market research, to demonstrate measurably substantial benefits for consolidating two or more procurement requirements for goods or services (Subpart 7.107).

Block 4. ESTIMATED ACQUISITION SCHEDULE

Enter approximate dates for acquisition schedule.

Block 5. SMALL BUSINESS SIZE STANDARD

Enter appropriate information to specify the applicable small business size standard.

Block 6. PROPOSED SOURCES

Enter results of market research by selecting the type and quantity of businesses solicited. Attach list of potential sources, including name, address, and phone number. (Examples of "other" types of sources include large for-profit business, JWOD non-profit agencies).

Block 7. RECOMMENDED ACTION

Check appropriate box to indicate proposed acquisition methodology. If a set-aside is not recommended, a justification statement must be attached to form.

Block 8. CONTRACT SPECIALIST/OFFICER

Signature of contracting official indicates approval of recommended action.

Block 9. SMALL BUSINESS SPECIALIST

Small business specialist indicates approval or disapproval of recommended action. The CD-570 must be submitted to OSDBU within 5 working days after the small business specialist's approval.

Block 10. OSDBU

OSDBU official indicates approval or disapproval of recommended action. CD-570 must be approved by OSDBU prior to release of the solicitation. OSDBU respond to the contracting official identified in block 8 within 5 working days after receipt of the package

Block 11. SMALL BUSINESS ADMINISTRATION

SBA PCR indicates approval of recommended action. FAR 19.202-1(e)(1) requires that certain proposed acquisition packages be provided to the SBA PCR at least 30 days prior to solicitation release, therefore, the contracting official should plan accordingly.

If the contracting officer rejects the SBA PCR's recommendation, made in accordance with 19.402(c)(2), the contracting officer shall document the basis for the rejection and notify the SBA PCR in accordance with Subpart 19.505.

Appendix 3: Small Business Programs Decoded

Small Business Programs Decoded

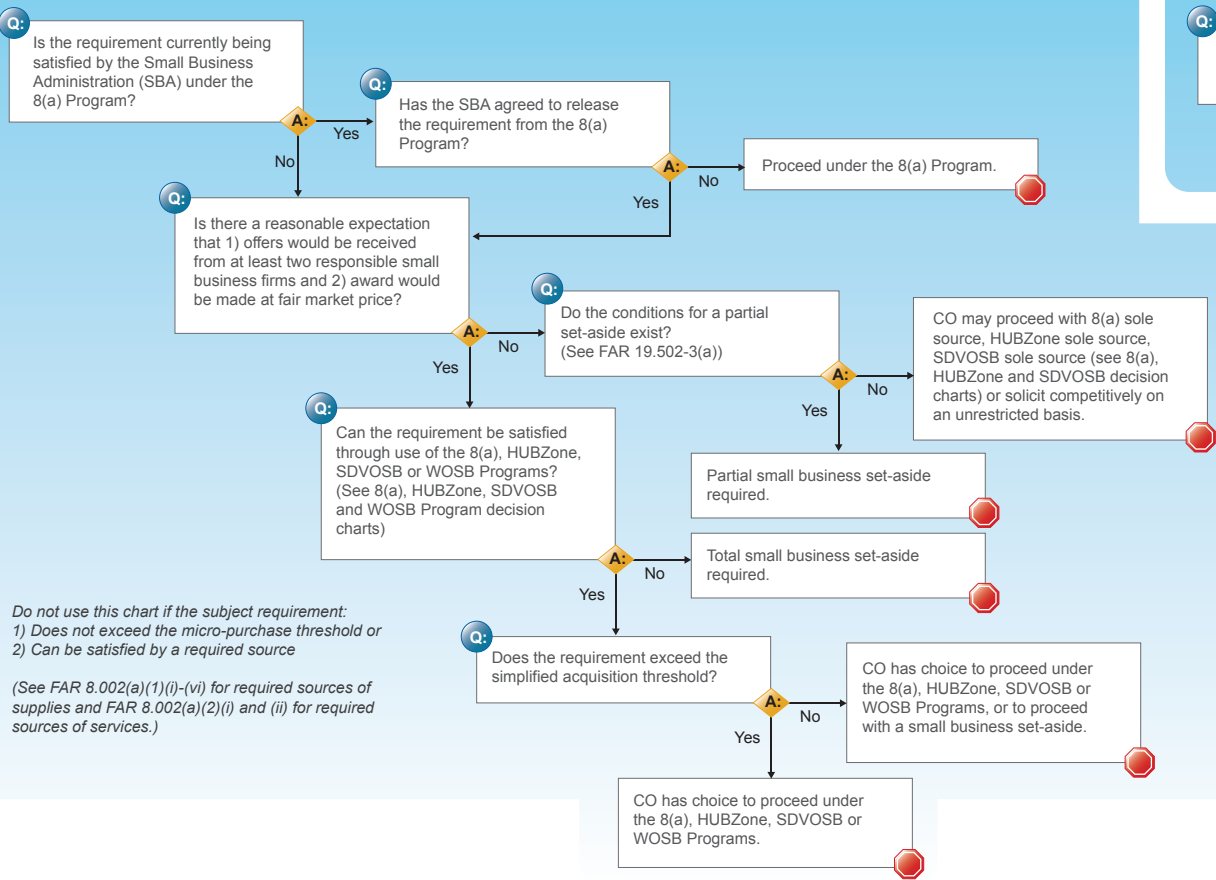
To use this chart:

Start here and follow the decision chart. Where indicated, jump to the next chart for the applicable set-aside category.

Developed in conjunction with Donald Mansfield, Defense Acquisition University. These small business decision charts were created to help contracting officers navigate the new small business rules contained in the Federal Acquisition Regulation (FAR). The charts are based on the interim rule on socioeconomic parity (implemented at FAR 19.203).

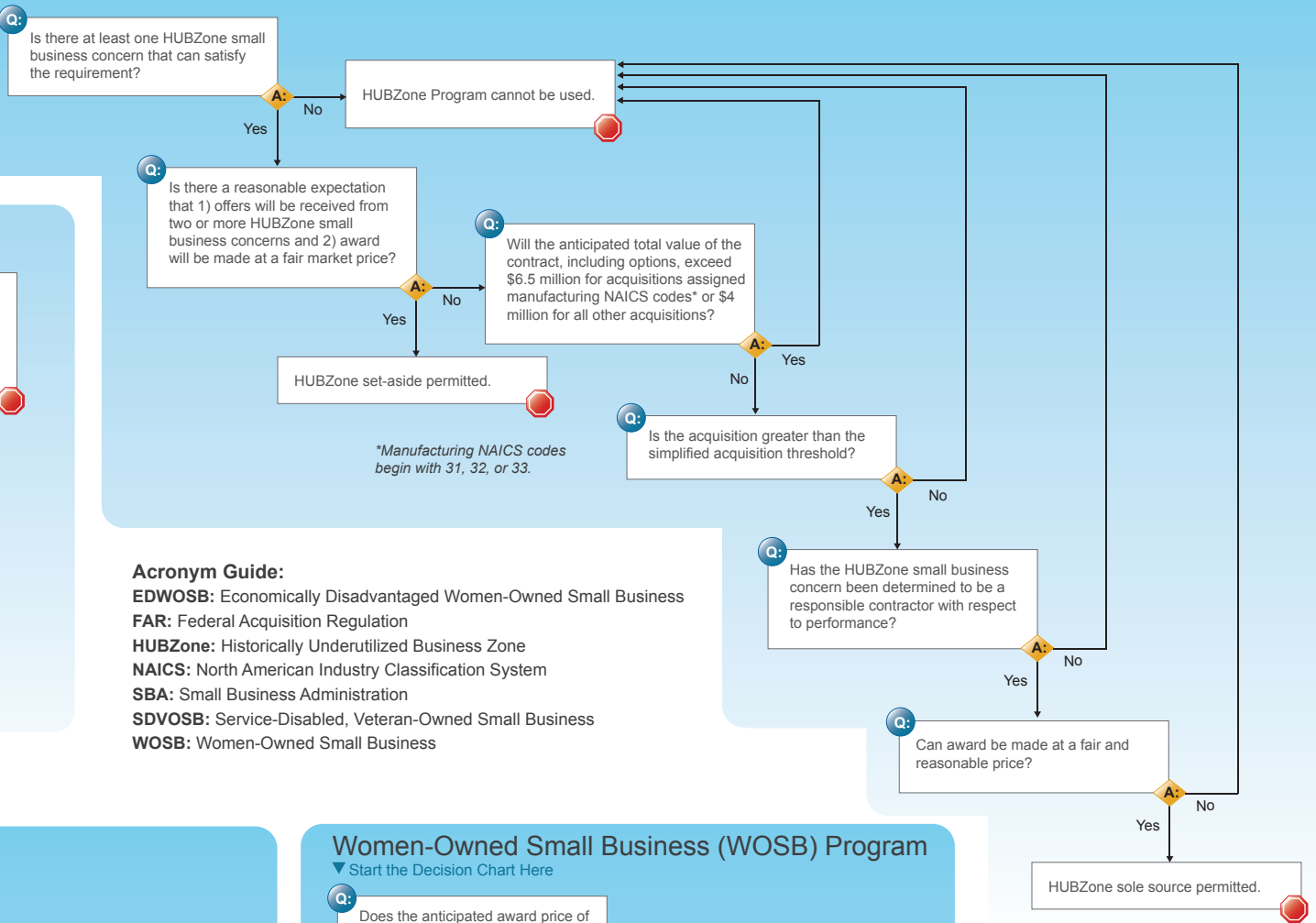
Small Business Programs

Start the Decision Chart Here



Historically Underutilized Business Zone (HUBZone) Program

Start the Decision Chart Here

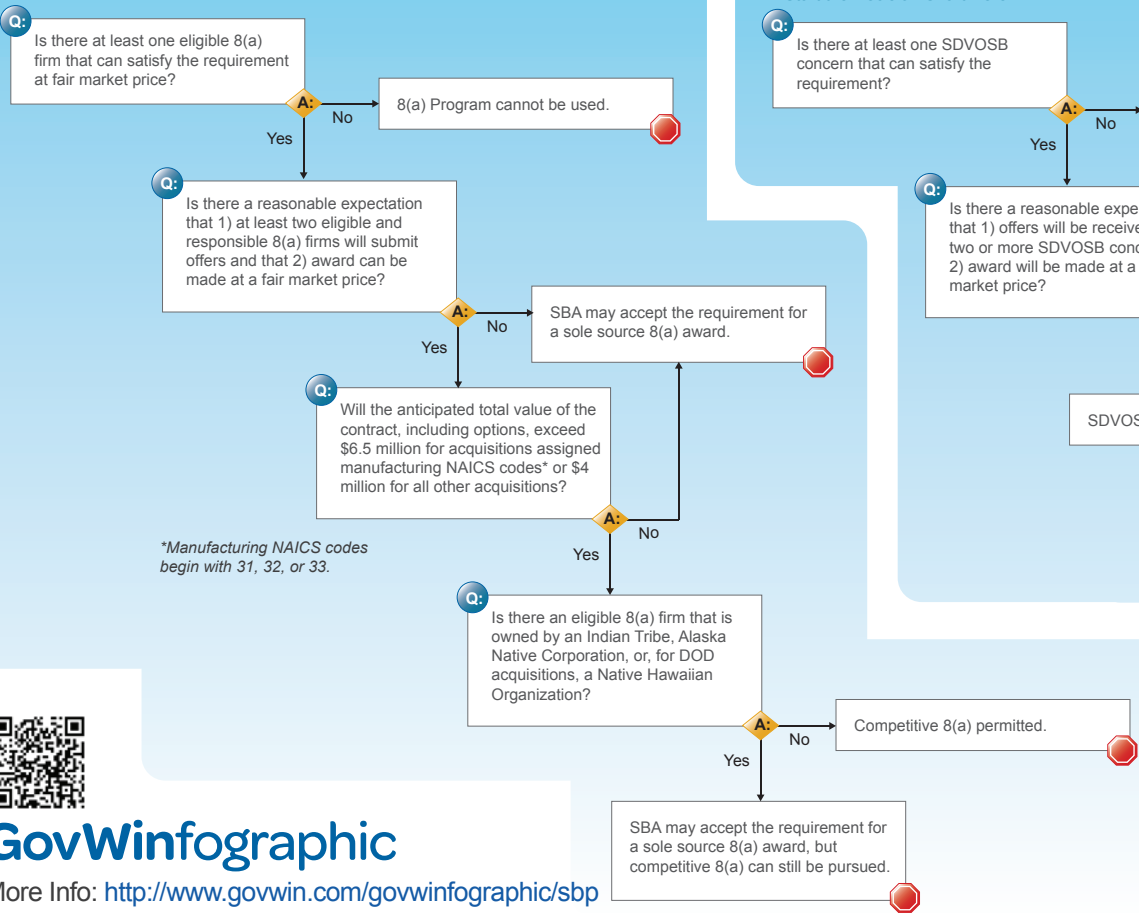


Acronym Guide:

EDWOSB: Economically Disadvantaged Women-Owned Small Business
FAR: Federal Acquisition Regulation
HUBZone: Historically Underutilized Business Zone
NAICS: North American Industry Classification System
SBA: Small Business Administration
SDVOSB: Service-Disabled, Veteran-Owned Small Business
WOSB: Women-Owned Small Business

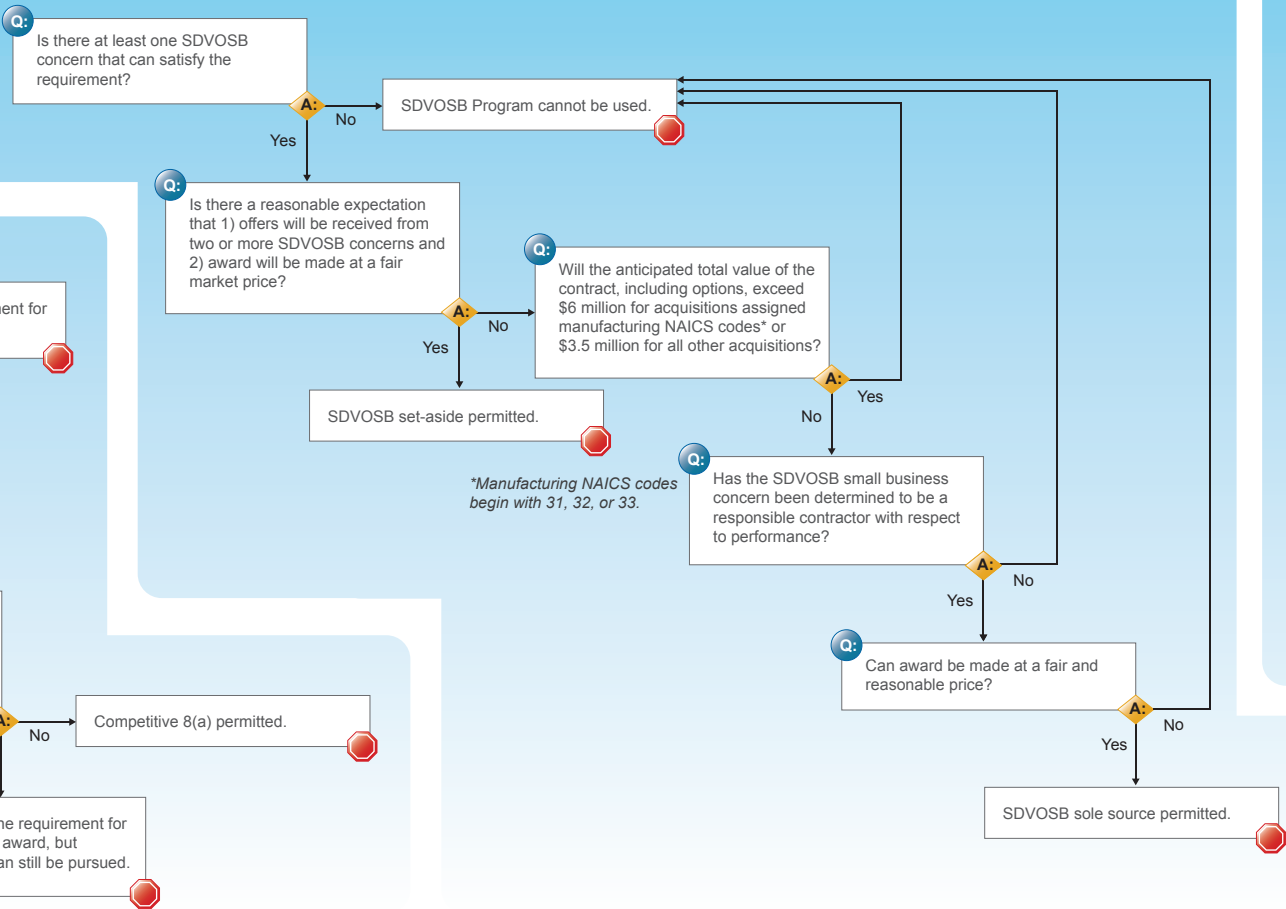
SBA 8(a) Program

Start the Decision Chart Here



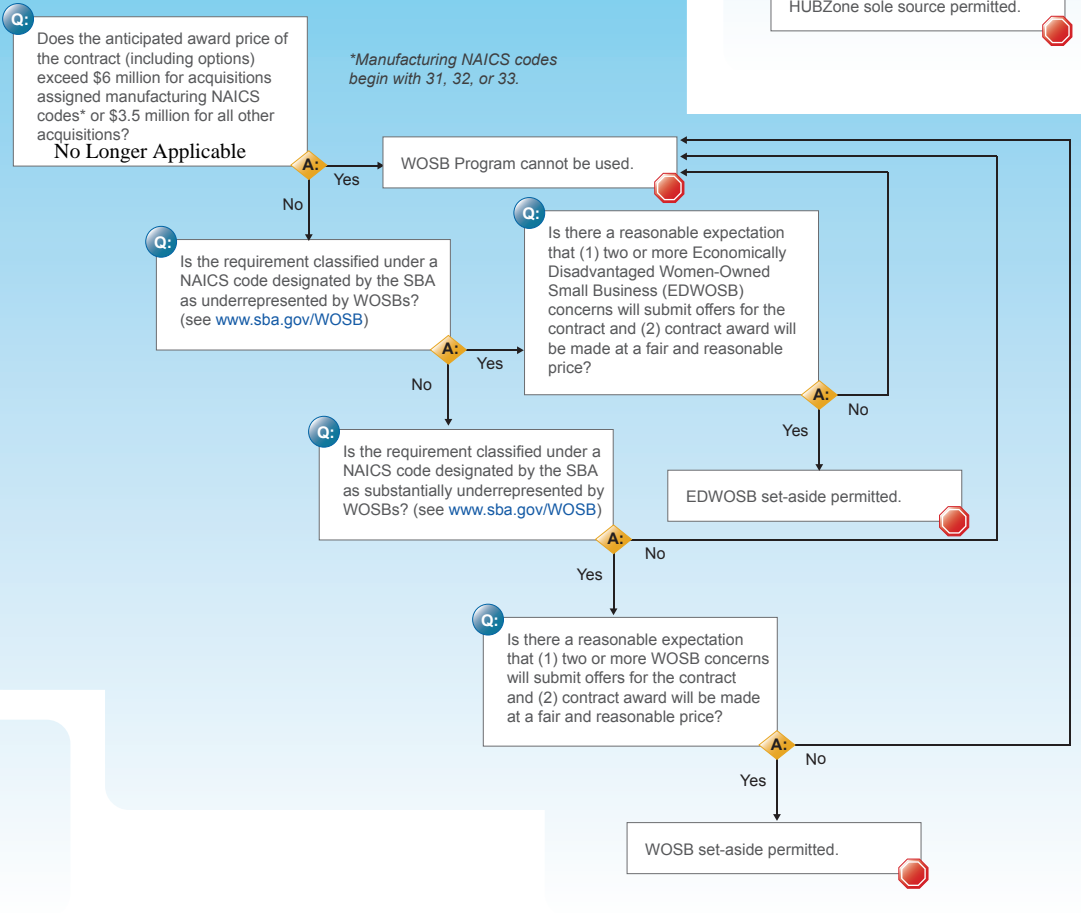
Service-Disabled, Veteran-Owned Small Business (SDVOSB) Program

Start the Decision Chart Here



Women-Owned Small Business (WOSB) Program

Start the Decision Chart Here



Appendix 4: NOAA
Subcontracting Plan Review
Form

NOAA SUBCONTRACTING PLAN REVIEW FORM

OSDBU Control No.: _____ Multiple Awards? Yes: _____ No: _____ (If yes, attach a copy of each subcontracting plan)

PROJECT INFORMATION							
Solicitation/Contract No.:				MOD No. (If applicable):			
Title of Acquisition including types of products and services:							
Contractor's Name:				DUNS Number:			
Period of Performance:				Total Contract Amount (including options): \$			
Total Modification Amount: (if applicable) \$				Base Period (if there are options): \$			
Option 1 (if applicable): \$				Option 2 (if applicable): \$			
Option 3 (if applicable): \$				Option 4 (if applicable): \$			
Contracting Officer/Specialist Name:				Tel&Fax:			
Division/Branch (including location):				Email:			
SUBCONTRACT PLAN REQUIREMENTS							
1. Type of Plan (check one):		Individual		Master		Commercial	
(A=Acceptable; U=Unacceptable)				C.O.		SBS	
				A	U	A	U
2. Subcontracting Goal Data				A	U	A	U
a. Total Subcontracting Dollars [(2b+2h=2a), except when subcontract baseline equals contract value]: \$							
b. Total Subcontracting Dollars & Percentage with Small Businesses (incl. SDB, WOSB, HUBZone, SDVOSB) - [Percentage of 2a.]: \$ and %							
c. Total Subcontracting Dollars & Percentage with Small Disadvantaged Businesses - [Percentage of 2.a.] \$ and %							
d. Total Subcontracting Dollars & Percentage with Woman-owned Small Businesses - [Percentage of 2.a.] \$ and %							
e. Total Subcontracting Dollars & Percentage with HUBZone Small Businesses - [Percentage of 2.a.] \$ and %							
f. Total Subcontracting Dollars & Percentage with Veteran Owned Small Businesses - [Percentage of 2.a.] \$ and %							
g. Total Subcontracting Dollars & Percentage with Service-Disabled Veteran Small Businesses - [Percentage of 2.a.] \$ and %							
h. Total Subcontracting Dollars & Percentage with "Other" than Small Businesses (i.e., large companies, non profits, etc.) [Percentage of 2.a.] \$ and %							
i. Subcontracting Opportunities (description of all principal products/services to be subcontracted to all types of concerns)							
j.k.l. Methodology used to develop goals, identify potential sources (e.g. historical trends, information on technical and competitive bidding, formula for calculating goals, etc.), and use of indirect costs.							

NOAA SUBCONTRACTING PLAN REVIEW FORM – Page 2

SUBCONTRACTING PLAN REQUIREMENTS (con't)		C.O.		SBS		SBA/PCR	
(A=Acceptable; U=Unacceptable)		A	U	A	U	A	U
3. Subcontracting Plan Administrator's Name (Contractor) and description of duties.							
4. Description of efforts to ensure the Small Businesses (incl. SDB, WOSB, HUBZone, SDVOSB) entities have equitable opportunity to compete for subcontracts.							
5. Required flow-down clause(s) to be included in prime contractor's subcontracts (i.e, FAR Clause 52.219-8, 52-219-9, 52.212-5(e)):							
6. Reporting and Cooperation:							
a. Agreement to submit required reports							
b. Agreement to cooperate in studies and surveys							
7. Record keeping							
8. Timely Payments to Subcontractors							
9. Description of Good Faith Effort							
CONTRACTING OFFICER DETERMINATION, OSDDBU SMALL BUSINESS SPECIALIST AND SBA PCR RECOMMENDATION		C.O.		SBS		SBA/PCR	
		Yes	No	Yes	No	Yes	No
1. The proposed plan meets the requirements of FAR 19.704.							
2. In accordance with 19.705-4, past performance has been considered when determining acceptability of this plan.							
3. The proposed plan requires an additional pre-award review.							
Contracting Officer Signature							
Contracting Officer: _____ Date: _____							
Additional Comments:							
SBS/OSDBU Signature							
Small Business Specialist: _____ Date: _____							
COMMENTS: If any elements are determined to be unacceptable, summarize below:							
SBA PCR Signature							
SBA PCR: _____ Date: _____							
COMMENTS: If any elements are determined to be unacceptable, summarize below:							

NOAA SUBCONTRACTING PLAN REVIEW FORM INSTRUCTIONS

OSDBU Control No.: Insert the control number from the CD-570 which was assigned by the SBS/OSDBU

Multiple Awards: indicate as appropriate. If yes, attach a copy of each subcontracting plan

PROJECT INFORMATION:

- Solicitation/Contract No.: Enter the assigned RFP or Contract Number
- Modification: Identify the modification number for the contract if applicable.
- Title of Acquisition: Enter the item/service description or project title
- Contractor's Name: Enter Successful Offeror/Contractor's name
- Period of Performance: Enter the estimated performance period, including all options, in the following format (mm/dd/yy – mm/dd/yy)
- Total Contract Amount: Enter the total estimated dollar value of the contract, including all options & modifications.
- Total Modification Amount: (if applicable)
- Base Period & Options 1 through Option 4: Complete these boxes if options are part of the contract.
- CO/CS Contact Information: Enter Contracting Officer/Specialist's Name, OPDIV, Building, Room, Telephone, and Fax and e-mail.

SUBCONTRACTING PLAN REQUIREMENTS (ITEMS 1 – 9)

1. Enter type of plan: individual, master or commercial
2. For each of the sub-items 2.a. through 2.I., the C.O. must review the plan & determine if the requirement is acceptable or unacceptable.

For each of the sub-items 2.b. through 2.h., the C.O. shall include the subcontracting dollars & percentage for the category. In calculating percentage, use the subcontracting dollars for the sub-item as the numerator & the total subcontracting dollars for the contract as the denominator. (i.e. 2.b. divided by 2.a. = % for 2.b.)
3. through 9: the C.O. must review the plan & determine if the requirements are acceptable or unacceptable.

CONTRACTING OFFICER DETERMINATION, OSDBU SMALL BUSINESS SPECIALIST & SBA PCR RECOMMENDATION (ITEMS 1 – 3)

1. The CO must review the plan to determine if it meets the requirements in FAR 19.7.
2. Indicate whether past performance had been considered when determining acceptability of plan
3. Indicate whether plan requires further pre-award review.

SIGNATURES

- The CO who has the authority to bind the government will make a determination, sign and date.
- The SBS will sign and date the review form and the subcontracting plan signature page if acceptable. During the plan review, the SBS may require additional input from the CO and/or contractor. The SBS may also include comments regarding the plan as necessary
- The SBA PCR shall sign and date the review form & the subcontracting plan signature page if acceptable. Concurrence or non-concurrence of the acquisition method determined by the CO The SBA PCR may also include comments regarding the plan as necessary.

NOTE: In order for the NOAA Small Business Specialist to conduct a comprehensive review of each plan, at a minimum, the documentation forwarded by the CO should include:

1. A completed NOAA Subcontracting Plan Review Form signed by the Contracting Official
2. A completed Subcontracting Plan, signed by the offeror and the CO.
3. The Summary of Proposed Costs from the offeror's Final Proposal Revision.
4. Any narrative, attachment or supplemental documentation to the offeror's plan describing efforts to locate small business subcontractors, rationale for using other than small businesses as subcontractors, etc.

Appendix 5: NOAA Subcontracting Plan Template

National Oceanic & Atmospheric Administration

SUBCONTRACTING PLAN OUTLINE

Last update: December 2013

The Federal Acquisition Regulation (FAR) Subpart 19.7, the Small Business Subcontracting Program, requires large business concerns (also known as other-than-small business concerns), who are apparently the successful offerors, to submit an acceptable subcontracting plan that identifies the total planned dollars and percentage of the acquisition to be subcontracted to small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. This subcontracting plan outline is offered as guidance for developing a subcontracting plan that complies with Public Law 95-507 and FAR Subpart 19.7.

The respective FY14 U.S. Department of Commerce subcontracting goals are:

Small business	30%
Small disadvantaged	5%
Women-owned small	5%
HUBZone small	3%
Veteran-owned small business	3%
Service-disabled veteran-owned	3%

These target goals are to be applied to the overall value of the acquisition. If assistance is needed to locate small business sources, contact the NOAA Small Business Officer at (301) 628-1411.

Offeror/Contractor Identification Data

Company Name:	
Dunn & Bradstreet #:	
Address:	
Solicitation #:	Date Prepared:
Item/Service:	
Place of Performance:	

1. TYPE OF PLAN (Check only one)

_____ INDIVIDUAL PLAN: In this type of plan, all elements are developed specifically for this contract and are applicable for the full term of this contract (including option periods).

_____ MASTER PLAN: In this type of plan, goals are developed for this contract; all other elements are standard. The master plan shall be effective for a 3-year period after approval by the contracting officer. A master plan, when incorporated in an individual plan, shall apply to that contract throughout the life of the contract.

_____ COMMERCIAL PLAN: This type of plan is used when the contractor sells large quantities of off-the-shelf commodities to many Government agencies. Plans/goals are negotiated with the initial agency on a company-wide basis rather than for individual contracts. The plan is effective only during the year approved. The contractor must provide a copy of the initial agency approval, AND MUST SUBMIT THEIR ANNUAL SUBCONTRACTING REPORT DATA (via the federal government's web-based Electronic Subcontracting Reporting System...<http://www.esrs.gov>) TO COMMERCE WITH A BREAKOUT OF SUBCONTRACTING PRORATED FOR COMMERCE.

2. ACQUISITION COST

Total dollar value of the acquisition, including all options: \$ _____

Base Period	\$ _____
1 st Option Period	\$ _____
2 nd Option Period	\$ _____
3 rd Option Period	\$ _____
4 th Option Period	\$ _____

3. GOALS

FAR 19.704 (a) (1) and (2) requires separate dollar and percentage goals for using small business concerns, small disadvantaged, women-owned small, HUBZone small business concerns, veteran-owned, and service disabled veteran-owned small business concerns, as subcontractors for the base year and each option year. **PLEASE NOTE: Zero dollars is not an acceptable goal for the SB, SDB, WOSB, HUBZone, VOSB or SDVOSB categories since this does not demonstrate a good faith effort throughout the period of performance of the contract.**

A. Total estimated value of all planned subcontracting, including small and other than small business concerns, based on the overall value of the acquisition:

Base Period	\$ _____	_____ %
1st Option Period	\$ _____	_____ %
2nd Option Period	\$ _____	_____ %
3rd Option Period	\$ _____	_____ %
4th Option Period	\$ _____	_____ %

B. Estimated value* of planned subcontracting to **small business** concerns is:
 (*THIS FIGURE INCLUDES THE AMOUNTS IN C, D, E, F, and G BELOW.)

Base Period	\$ _____	_____ %
1st Option Period	\$ _____	_____ %
2nd Option Period	\$ _____	_____ %
3rd Option Period	\$ _____	_____ %
4th Option Period	\$ _____	_____ %

C. Estimated value of planned subcontracting to **small disadvantaged business** concerns is:

Base Period	\$ _____	_____ %
1st Option Period	\$ _____	_____ %
2nd Option Period	\$ _____	_____ %
3rd Option Period	\$ _____	_____ %
4th Option Period	\$ _____	_____ %

D. Estimated value of planned subcontracting to **women-owned** small concerns is:

Base Period	\$ _____	_____ %
1st Option Period	\$ _____	_____ %
2nd Option Period	\$ _____	_____ %
3rd Option Period	\$ _____	_____ %
4th Option Period	\$ _____	_____ %

E. Estimated value of planned subcontracting to qualified **HUBZone** small concerns is:

Base Period	\$ _____	_____ %
1st Option Period	\$ _____	_____ %
2nd Option Period	\$ _____	_____ %
3rd Option Period	\$ _____	_____ %
4th Option Period	\$ _____	_____ %

F. Estimated value of planned subcontracting to qualified **veteran-owned** small
 (which includes service disabled small) concerns is:

Base Period	\$ _____	_____ %
1st Option Period	\$ _____	_____ %
2nd Option Period	\$ _____	_____ %
3rd Option Period	\$ _____	_____ %
4th Option Period	\$ _____	_____ %

G. Estimated value of planned subcontracting to qualified **service disabled veteran-owned** small concerns is:

Base Period	\$ _____	_____ %
1st Option Period	\$ _____	_____ %
2nd Option Period	\$ _____	_____ %
3rd Option Period	\$ _____	_____ %
4th Option Period	\$ _____	_____ %

H. Estimated value of planned subcontracting to with **other than small business** concerns is:

Base Period	\$ _____	_____ %
1st Option Period	\$ _____	_____ %
2nd Option Period	\$ _____	_____ %
3rd Option Period	\$ _____	_____ %
4th Option Period	\$ _____	_____ %

Note: If any contract has more than five option periods, please attach additional sheets showing dollar amounts and percentages.

- I. Products and/or services to be subcontracted under this contract, and the types of businesses supplying them are: (Check all that apply on 'Table A' and attach additional sheets as necessary).

Table A

Business Size or Category

Subcontracted Product/Service	CLIN (Contract Line Item Number)	OTHER	SMALL	SDB	WOSB	HUBZONE	VOSB	SDVOSB

- J. Provide a description of the method used to develop the subcontracting goals for SB, SDB, WOSB, HUBZone and SDVOSB concerns. Address efforts made to ensure that maximum practicable subcontracting opportunities have been made available for those concerns and explain the method used to identify potential sources for solicitation purposes. Explain the method and state the quantitative basis (in dollars) used to establish the percentage goals. Also, explain how the areas to be subcontracted to SB, WOSB, HUBZone, VOSB and SDVOSB concerns were determined, how the capabilities of these concerns were considered contract opportunities and how such data comports with the cost proposal. Identify any source lists or other resources used in the determination process. (Attach additional sheets, if necessary.)

- K. Indirect and overhead costs _____ HAVE BEEN _____ HAVE NOT BEEN included in the dollar and percentage subcontracting goals stated above. (Check one)

- L. If indirect and overhead costs HAVE BEEN included, explain the method used to determine the proportionate share of such costs to be allocated as subcontracts to small, small disadvantaged, women-owned small, HUBZone small, veteran- owned, and service-disabled veteran-owned small business concerns.

4. PROGRAM ADMINISTRATOR

FAR 19.704(a)(7) requires information about the company employee who will administer the subcontracting program. Please provide the name, title, address, telephone number, position within the corporate structure and the duties of that employee.

Name: _____

Title: _____

Address: _____

Telephone: _____

E-Mail: _____

Duties: Does the individual named above have general overall responsibility for the company's subcontracting program, i.e., developing, preparing, and executing subcontracting plans and monitoring performance relative to the requirements of those subcontracting plans and perform the following duties? (If NO is checked, please provide who in the company performs those duties, or indicate why the duties are not performed in your company on a separate sheet of paper and submit with the proposed subcontracting plan.)

- A. Developing and promoting company/division policy statements that demonstrate the company's/division's support for awarding contracts and subcontracts to small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns; and for assuring that these concerns are included on the source lists for solicitations for products and services they are capable of providing.
_____YES _____NO
- B. Developing and maintaining bidders' list of small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns from all possible sources.
_____YES _____NO
- C. Ensuring periodic rotation of potential subcontractors on bidders' lists.
_____YES _____NO
- D. Assuring that small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small businesses are included on the bidders' list for every subcontract solicitation for products and services they are capable of providing.
_____YES _____NO
- E. Ensuring that subcontract procurement "packages" are designed to permit the maximum possible participation of small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business.
_____YES _____NO
- F. Reviewing subcontract solicitations to remove statements, clauses, etc., which might tend to restrict or prohibit small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business participation.
_____YES _____NO

- G. Ensuring that the subcontract bid proposal review board documents its reasons for not selecting any low bids submitted by small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns.
_____YES _____NO
- H. Overseeing the establishment and maintenance of contract and subcontract award records.
_____YES _____NO
- I. Attending or arranging for the attendance of company counselors at Business Opportunity Workshops, Minority Business Enterprise Seminars, Trade Fairs, etc.
_____YES _____NO
- J. Directly or indirectly counseling small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns on subcontracting opportunities and how to prepare responsive bids to the company.
_____YES _____NO
- K. Providing notice to subcontractors concerning penalties for misrepresentations of business status as small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small businesses for the purpose of obtaining a subcontract that is to be included as part or all of a goal contained in the contractor's subcontracting plan
_____YES _____NO
- L. Conducting or arranging training for purchasing personnel regarding the intent and impact of Public Law 95-907 on purchasing procedures.
_____YES _____NO
- M. Developing and maintaining an incentive program for buyers which supports the subcontracting program.
_____YES _____NO
- N. Monitoring the company's performance and making any adjustments necessary to achieve the subcontract plan goals
_____YES _____NO
- O. Preparing and submitting timely reports.
_____YES _____NO
- P. Coordinating the company's activities during compliance reviews by Federal agencies.
_____YES _____NO

Q. Accessing various sources for the identification of SB, SDB, WOSB, HUBZone, VOSB and SDVOSB concerns to include the Central Contractor Registration (<http://www.ccr.gov/>), local small business and minority associations, local chambers of commerce and Federal agencies' Small Business Offices

_____ YES

_____ NO

R. Other duties:

5. EQUITABLE OPPORTUNITY

FAR 19.704 (a) (8) requires a description of the efforts your company will make to ensure that small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns will have an equitable opportunity to compete for subcontracts. (Check all that apply)

A. Outreach efforts to obtain sources:

- _____ Contacting minority and small business trade associations
- _____ Contacting business development organizations
- _____ Attending small and minority business procurement conferences and trade fairs
- _____ Requesting sources from the Small Business Administration's *Dynamic Small Business Search* (formerly known as PRO-Net)

B. Internal efforts to guide and encourage purchasing personnel:

- _____ Presenting workshops, seminars and training programs
- _____ Establishing, maintaining and using small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business source lists, guides and other data for soliciting subcontracts
- _____ Monitoring activities to evaluate compliance with the subcontracting plan

C. Additional efforts: (Please describe)

6. CLAUSE INCLUSION AND FLOW DOWN

FAR 19.704 (a)(9) requires that your company include FAR 52.219-8, “Utilization of Small Business Concerns”, in all subcontracts that offer further subcontracting opportunities. Your company must require all subcontractors, except small business concerns, that receive subcontracts in excess of \$650,000 (\$1,500,000 for construction) to adopt and comply with a plan similar to the plan required by FAR 52.219-9, “Small Business Subcontracting Plan.” Note: In accordance with FAR 52.212-5(e) and 52.244-6(c) the contractor is not required to include flow-down clause FAR 52.219-9 if it is subcontracting commercial items.

Your company agrees that the clause will be included and that the plans will be reviewed against the minimum requirements for such plans. The acceptability of percentage goals for small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns must be determined on a case-by-case basis depending on the supplies and services involved, the availability of potential small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business subcontractors and prior experience. Once the plans are negotiated, approved, and implemented, the plans must be monitored through the submission of individual and summary subcontracting reports via the federal government’s web-based Electronic Subcontracting Reporting System...<http://www.esrs.gov>.

7. REPORTING AND COOPERATION

* FAR 19.704 (a) (10) requires that your company (1) cooperate in any studies or surveys as may be required, (2) submit periodic reports which show compliance with the subcontracting plan; (3) (iii) Submit the Individual Subcontract Report (ISR), and the Summary Subcontract Report (SSR) using the Electronic Subcontracting Reporting System (eSRS) (<http://www.esrs.gov>), following the instructions in the eSRS; (4) Ensure that its subcontractors with subcontracting plans agree to submit the ISR and/or the SSR using the eSRS; (5) Provide its prime contract number and its DUNS number and the e-mail address of the Government or Contractor official responsible for acknowledging or rejecting the reports, to all first-tier subcontractors with subcontracting plans so they can enter this information into the eSRS when submitting their reports; and (6) Require that each subcontractor with a subcontracting plan provide the prime contract number and its own DUNS number, and the e-mail address of the Government or Contractor official responsible for acknowledging or rejecting the reports, to its subcontractors with subcontracting plans.

Reporting Period	Report Due	Due Date
Oct 1 - Mar 31	ISR	4/30
Apr 1 - Sept 30	ISR	10/30
Oct 1 - Sept 30	SSR	10/30
Contract Completion	Year End SDB Report	30 days after completion

8. RECORD KEEPING

FAR 19.704 (a) (11) requires a description of the types of records your company will maintain to demonstrate the procedures adopted to comply with the requirements and goals in the subcontracting plan. (Check all that apply)

A. Small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns source lists, guides, and other data identifying such vendors

_____ YES

_____ NO

B. Organizations contacted for small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business sources.

_____ YES

_____ NO

C. On a contract-by-contract basis, records on all subcontract solicitations over \$100,000 which indicate for each solicitation (1) whether small business concerns were solicited, and if not, why not; (2) whether small disadvantaged business concerns were solicited, and if not, why not; (3) whether women-owned small businesses were solicited, and if not, why not; (4) whether HUBZone small businesses were solicited, and if not, why not; (5) whether veteran-owned (including service disabled veteran-owned) small businesses were solicited, and if not, why not, and (6) reasons for the failure of solicited small, small disadvantaged, women-owned small, HUBZone small, and veteran-owned (including service-disabled veteran-owned) small business concerns to receive the subcontract award

_____ YES

_____ NO

D. Records to support other outreach efforts, e.g., contacts with minority and small business trade associations, attendance at small and minority business procurement conference and trade fairs

_____ YES

_____ NO

E. Records to support internal activities to (1) guide and encourage purchasing personnel, e.g., workshops, seminars, training programs, incentive awards, and (2) monitor activities to evaluate compliance

_____ YES

_____ NO

F. On a contract-by-contract basis, records to support subcontract award data including the name, address and business size and ownership status of each subcontractor. (This item is not required for commercial subcontracting plans).

_____ YES

_____ NO

G. Other records to support your compliance with the subcontracting plan: (Please describe)

9. TIMELY PAYMENTS TO SUBCONTRACTORS

FAR 19.702 requires company to establish and use procedures to ensure the timely payment of amounts due pursuant to the terms of your subcontracts with small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns.

Your company has established and uses such procedures: _____YES _____NO

10. DESCRIPTION OF GOOD FAITH EFFORT

Maximum practicable utilization of small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business concerns as subcontractors in Government contracts is a matter of national interest with both social and economic benefits. When a contractor fails to make a good faith effort to comply with a subcontracting plan, these objectives are not achieved, and 15 U. S. C. 637 (d) (4) (F) directs that liquidated damages shall be paid by the contractor. In order to demonstrate your compliance with a good faith effort to achieve the small, small disadvantaged, women-owned small, HUBZone small, veteran-owned, and service-disabled veteran-owned small business subcontracting goals, outline the steps your company plans to take. These steps will be negotiated with the contracting officer prior to approval of the plan.

11. REQUIRED SIGNATURES

This subcontracting plan was **submitted** by:

Signature: _____

Typed Name: _____

Title: _____

Date: _____

This subcontracting plan was **reviewed** by:

Signature: _____

Typed Name: _____

Title: *Contracting Officer*

Date: _____

This subcontracting plan was **reviewed** by:

Signature: _____

Typed Name: _____

Title: *NOAA Small Business Specialist*

Date: _____

This subcontracting plan was **reviewed** by:

Signature: _____

Typed Name: _____

Title: *NOAA Small Business Officer*

Date: _____

This subcontracting plan was **reviewed** by:

Signature: _____

Typed Name: _____

Title: *SBA Procurement Center Representative*

Date: _____

This subcontracting plan was **accepted** by:

Signature: _____

Typed Name: _____

Title: *Contracting Officer*

Date: _____

Appendix 6: Certificate of Competency Checklist

COC Checklist

When processing a COC referral, the following information is required:

1. Copy of the *Determination of Nonresponsibility*, which is a summary of your reasons for not directly awarding the requirement to the prospective applicant, discussing any concerns you may have. Please provide supporting detail, such as a copy of a *recent* preaward survey, cure notices, late contract numbers, etc.
2. Contracting Officer's name, address, phone number, **FAX number**, and e-mail address

Excerpts from the offer and/or solicitation, or supplemental information showing:

3. Name, address, point of contact, phone **and FAX** numbers of company
4. Protested offeror's small business certification and date
5. Solicitation number; *dollar value*, and type of contract (eg. firm, fixed price; I.D.I.Q., etc.)
6. NAICS code and size standard in solicitation

Type of requirement: (small business set-aside, unrestricted, etc.), plus, a brief description of product, line items, or service

A statement that the referred company has otherwise been determined to be the *apparent successful offeror*, or is the *low bidder* in line for award. If a COC is issued, there should be no additional obstacles to awarding the ensuing contract.

You should forward the COC referral to the Area Director in the SBA Area Office of Government Contracting (not a District Office) covering the state in which the company's headquarters is located. The locations of the SBA Area Offices can be found at <http://www.sba.gov/content/government-contracting-field-staff-directory>.

Appendix 7: Size Protest Checklist

Size Protest Checklist

When processing a size protest, the following information is required:

1. Copy of the Protest and all attachments.
2. Date Contracting Officer received the protest.
3. For IFB's, *the date bids were opened* or for RFP's, *the date unsuccessful offerors were notified of apparent successful offeror and how*. The protest must be *timely, specific, and not premature*. The protested company must be **in line for award, or the successful offeror**. Otherwise, the protest is premature under 13 C.F.R. Part 121.1004 (e).
4. Is the Protestor an interested party per our regulations at 13 C.F.R. 121.1001(a)(1)?
5. Please refer to 13 C.F.R. 121.404(a), SBA determines the size status of a concern, including its affiliates, as of the date the concern submits a written self-certification that it is small to the procuring activity as part of its initial offer (or other formal response to a solicitation) which includes price. SBA needs the date successful offeror's proposal was submitted including price.
6. Contracting Officer's name, address, phone number, **FAX number, and E-Mail address.** (If the protest is untimely, is the contracting officer protesting)?
7. Excerpts from the offer and/or solicitation. (If protest is not dismissed SBA needs the solicitation and complete proposal submitted by protested concern.)
8. Name, address, point of contact, title, phone and FAX number and E-Mail address of protested offeror and protestor.
9. Protested offeror's small business certification and date.
10. Date contract awarded.
11. Solicitation number; Contract number
12. NAICS code
13. Size standard
14. Small business set-aside statement (SDVOSB, HUBZone, 8(a), SB etc.)
15. Brief description of product or service. Provide the primary and vital requirements of the procurement.

16. Telephone, FAX numbers, E-Mail addresses for all parties; Contracting Officer, Protestor, and Protested Company, including point of contact and title.
17. Please provide any information that occurred prior to you forwarding the size protest to SBA i.e. GAO or court determination, incumbent, protestor not in competitive range etc.

You should forward the Size Protest to the Area Director in the SBA Area Office of Government Contracting (not a District Office) covering the state in which the company's headquarters is located. The locations of the SBA Area Offices can be found at <http://www.sba.gov/content/government-contracting-field-staff-directory>.