

PHASE I: CONTRACT FORMATION

Activity 12: Socioeconomic Programs and Set-Asides

Acquisitions Not Exceeding the Simplified Acquisition Threshold (SAT)

Acquisitions Exceeding the Simplified Acquisition Threshold (SAT)

Small Business Administration 8(a) Business Development Program

Determine if there is a reasonable expectation that offers that are competitive in terms of price, quality, and delivery can be obtained from at least two responsible small business concerns.

If no,

If yes,

Document the basis for an unrestricted acquisition.

Proceed with an unrestricted acquisition.

Determine whether to make a further restrictive set-aside.

If no,

If yes,

Estimate the number of eligible firms in each of the various small business classifications that are available to provide the required supply or service.

Use information collected during market research to determine if two or more concerns will submit offers with prices are fair and reasonable.

Receive quotes/offers.

Determine whether to modify or withdraw a set-aside.

Evaluate quotes/offers.

Determine if the selected offeror lack certain elements of responsibility.

If yes,

If no,

Withhold contract award.

Refer the matter to the Small Business Administration (SBA) Government Contracting Area Office.

Await the SBA's issuance or denial of the offeror's Certificate of Competency (COC), but make every effort for each a resolution before the SBA takes final action on a COC.

If the SBA denies the COC,

If the SBA issues the COC,

Award the contract to another responsible offeror.

Document the contract file.

Publicize the proposed contract action.

Report the award to the Federal Procurement Data System-Next Generation (FPDS-NG).

Determine whether to file an appeal.

If no,

If yes,

Award the contract to the offeror concerned.

Document the contract file.

Publicize the proposed contract action.

Report the award to the Federal Procurement Data System-Next Generation (FPDS-NG).

Determine if there is a reasonable expectation that offers will be obtained from at least two responsible small business concerns and award will be made at fair market prices.

If yes,

If no,

Determine if one or more small business concerns can satisfy the set-aside portion.

If yes,

If no,

Determine if the acquisition can be broken into discrete portions.

If yes,

If no,

Divide the acquisition into set-aside and unrestricted portions.

Award the non-set-aside portion using normal contracting procedures.

Negotiate with eligible concerns on the set-aside portion and make the award.

Proceed with an unrestricted acquisition.

Review the determination to offer the requirement to the Small Business Administration 8(a) Business Development Program

With SBA representatives, determine whether or not to compete the 8(a) award among eligible 8(a) firms.

Notify the SBA of plans to place an 8(a) contract.

Await the SBA's determination regarding whether to accept the requirement for the 8(a) Program.

Solicit and evaluate offer(s) from 8(a) sources.

When using negotiation procedures, conduct any necessary negotiations with the SBA and/or the 8(a) contractor(s).

Await the SBA's determination regarding the eligibility of the successful offeror.

Determine whether the award would be at a fair market price.

Determine whether it would be useful to request a preaward survey.

Refer responsibility issues to SBA for Certificate of Competency (COC) consideration.

After receiving notification of the SBA's COC issuance or denial, determine whether to appeal the decision.

If applicable, respond to an SBA Administrator appeal to the agency head.

Prepare appropriate contract documents.