

THREE PERCENT PROCUREMENT GOAL

SBA's Reauthorization Act for 2000, Title VIII, Section 803 amended Section 8(d) and 101b) of the Small Business Act are to clarify subcontracting preferences for Veterans. Here is a summary of the Section 803 revisions:

The General Statement of Agency Policy, Section 8(d)(1). "Small business concerns owned and controlled by veterans" was added to the list of small businesses to clarify that both veteran owned and service-disabled owned small businesses were to be afforded maximum practicable opportunity to participate in the performance of contracts and subcontracts let by any federal agency.

Section 8(d)(3) of the Act. "Small business concerns owned and controlled by service-disabled veterans" was added to the list of small businesses to be afforded maximum practicable opportunity to participate as subcontractors in all contracts exceeding \$100,000 This statutory requirement is promulgated in Federal Acquisition Regulation (FAR) clause 52.219-8.

Section 8(d)(3)(F) of the Act was amended to allow contractors acting in good faith to rely on the written representation of their subcontractors regarding their status as "small business concerns owned and controlled by service-disabled veterans."

Section 8(d)(4)(D) of the Act was amended to require the procurement authority to negotiate a subcontracting plan that provides maximum practicable opportunity, for "small business concerns owned and controlled by service-disabled veterans" along with other identified small businesses in the subcontracting plan of the apparent successful offeror. Separate subcontracting opportunities are to be identified for "small business concerns owned and controlled by service-disabled veterans" and small business concerns owned and controlled by veterans." Note: Subcontracting plans are required for all contracts exceeding \$500,000 (\$1,000,000 for construction) and is promulgated in FAR clause 52.219-9.

Section 8(d)(4)(E) of the Act. "Small business concerns owned and controlled by service-disabled veterans" was added to the list of other identified small business concerns for incentive subcontracting.

Section 8(d)(6)(A) of the Act. "Small business concerns owned and controlled by service-disabled veterans" was added to the requirement for each subcontracting plan to include percentage goals for the utilization of identified small businesses.

Section 8(d)(6)(C) of the Act. "Small business concerns owned and controlled by service-disabled veterans" was added to the requirement that a subcontracting plan contain a description of the efforts the offeror or bidder will take to assure that the identified small businesses will have an equitable opportunity to compete for subcontracts.

Section 8(d)(6)(F) of the Act. "Small business concerns owned and controlled by service-disabled veterans" was added to the record keeping requirement placed on prime contractors having subcontracting plans, for source lists and the efforts to identify and award subcontracts to small businesses identified in this provision.

Section 8(d)(10)(B) of the Act. "Small business concerns owned and controlled by service-disabled veterans" was added to the provision which authorizes the Administrator to review any solicitation for any contract incorporating a subcontracting plan requirement to determine the maximum practicable opportunity for subcontracts to small business. The SBA point of contact for more information is Robert Max - email Robert.Max@sba.gov or call 202-205-7321.

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