

**TITLE: CIB 95-7 Results of the Small Business Administration
Surveillance Review**

February 16, 1995

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: DAA/M, Michael Sherwin, Procurement Executive

SUBJECT: Results of the Small Business Administration Surveillance
Review

Contract Information Bulletin 95-7

This CIB cancels CIB 92-3. As a result of a recent surveillance review report, conducted by the U.S. Small Business Administration, the Agency was found to have several deficiencies and regulatory noncompliance with the Small Business Act, the Federal Acquisition Regulation (FAR) and related supplements in the Agency's Small Business Program. While the Agency's overall Small Business Program has been rated fully satisfactory, there are several areas in need of improvement.

(a) SIC Code and Small Business Site Standard

Contracting Officers (COs) should ensure that the provision at FAR 52.219-22, with the appropriate SIC Code and size standard for the individual procurement inserted, be included in all solicitations. While this is obviously important for small/disadvantaged business set-asides, it is especially important for full and open competitions. If the SIC code and small/disadvantaged business size standard are not included, negotiating a small/disadvantaged business subcontracting plan is difficult because offerors are not sure what a "small business" is for the purposes of a specific solicitation.

(b) CBD Synopsis

Contracting professionals are reminded that when synopsis in the Commerce Business Daily (CBD) is required, a copy of the synopsis should be included in the contract files as required by FAR 4.803(a)(4).

(c) Small Business and Small Disadvantaged Business Subcontracting Plans

In accordance with FAR 19.704 and FAR 52.219-9, subcontracting plans are required for all contracts awarded in excess of \$500,000 for supplies and services and \$1,000,000 for construction. The following are the worldwide procedures for subcontracting plans:

- 1.) COs located in USAID/W shall forward a copy of the proposed subcontracting plan, if any, to OSDBU/MRC for review and comment together with two copies of the solicitation document. The transmittal memorandum to OSDBU/MRC must include the probable amount of the contract or contract modification, and the anticipated award date. OSDBU/MRC will provide a copy of the solicitation and subcontracting plan to the SBA Assistant Regional Administrator for Procurement Assistance SBA (ARA/PA).
- 2.) OSDBU/MRC and the SBA ARA/PA will review the proposed subcontracting plan and provide the CO with written advisory comments no later than five working days after receipt of the plan.
- 3.) After the proposed plan is returned to the CO, it should be negotiated with the offeror/prime contractor and revised accordingly. The negotiation memorandum will indicate the disposition of the advisory comments provided by OSDBU/MRC and the SBA ARA/PA.
- 4.) COs in the field shall submit a copy of the contract and the final subcontracting plan incorporated therein to OSDBU/MRC after award.
- 5.) COs in the field are **not** required to submit the subcontracting plans to OSDBU for review prior to award.
- 6.) All final subcontracting plans shall be incorporated into the resultant contract.
- 7.) A copy of the subcontracting plan and the award document should be sent to the Office of Small and Disadvantaged Business Utilization (OSDBU). The subcontracting plans are then forwarded to the SBA ARA/PA in the SBA region where the work will be performed in the U.S., or in the case of a business concern with a company-wide subcontracting plan, to the SBA ARA/PA in the SBA region where the company's headquarters is located. Files should contain a copy of the transmittal memo to OSDBU/MRC in order to demonstrate compliance with the FAR 19.705-6 requirement that a copy of approved subcontracting plans and any associated approvals have been sent to the appropriate SBA ARA/PA.

8.) Standard Form (SF) 294, Subcontracting Report for Individual Contracts and SF 295, Summary Contracting Reports should be submitted by the contractor to OSDBU/MRC, which will monitor compliance with or performance against the subcontracting plan, and notify the CO in the event of non-compliance/performance. The CO will then take appropriate remedial action.

If COs or Negotiators have questions, or require information regarding the Small Business Act, Subcontracting plans, or 8(a) program you are encouraged to contact OSDBU/MRC.