

19.201 General policy.

(a) It is the policy of the Government to provide maximum practicable opportunities in its *acquisitions* 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*. Such *concerns* must also have the maximum practicable opportunity to participate as subcontractors in the contracts awarded by any *executive agency*, consistent with efficient contract performance. The Small Business Administration (SBA) counsels and assists small business *concerns* and assists *contracting* personnel to ensure that a fair proportion of contracts for *supplies* and services is placed with small business.

(b) Heads of *contracting activities* are responsible for effectively implementing the small business programs within their activities, including achieving program goals. They are to ensure that *contracting* and technical personnel maintain knowledge of small business program requirements and take all reasonable action to increase participation in their activities' *contracting* processes by these businesses.

(c) The Small Business Act requires each agency with *contracting* authority to establish an *Office of Small and Disadvantaged Business Utilization* (see section 15(k) of the Small Business Act). For the Department of Defense, in accordance with section 904 of [Public Law 109-163](#) (10 U.S.C. 144 note), the *Office of Small and Disadvantaged Business Utilization* has been redesignated as the Office of Small Business Programs. Management of the office is the responsibility of an officer or employee of the agency who, in carrying out the purposes of the Act—

(1) Is known as the Director of the *Office of Small and Disadvantaged Business Utilization*, or for the Department of Defense, the Director of the Office of Small Business Programs;

(2) Is appointed by the *agency head*;

(3) Is responsible to and reports directly to the *agency head* or the deputy to the *agency head* (except that for the Department of Defense, the Director of the Office of Small Business Programs reports to the Secretary or the Secretary's designee);

(4) Is responsible for the agency carrying out the functions and duties in sections 8, 15, 31, 36, and 44 of the Small Business Act;

(5) Works with the SBA *procurement* center representative (PCR) (or, if a PCR is not assigned, see [19.402\(a\)](#)) to identify proposed *solicitations* that involve *bundling* and work with the agency *acquisition* officials and SBA to revise the *acquisition* strategies for such proposed *solicitations* to increase the probability of participation by small businesses;

(6) Assists small business *concerns* in obtaining payments under their contracts, late payment interest penalties, or information on contractual payment provisions;

(7) Has supervisory authority over agency personnel to the extent that their functions and duties relate to sections 8, 15, 31, 36, and 44 of the Small Business Act;

(8) Assigns a small business technical advisor to each *contracting activity* within the agency to which the SBA has assigned a representative (see 19.402)—

(i) Who is a full-time employee of the *contracting activity*, well qualified, technically trained, and

familiar with the *supplies* or services contracted for by the activity; and

(ii) Whose principal duty is to assist the SBA's assigned representative in performing functions and duties relating to sections 8, 15, 31, 36, and 44 of the Small Business Act;

(9) Cooperates and consults on a regular basis with the SBA in carrying out the agency's functions and duties in sections 8, 15, 31, 36, and 44 of the Small Business Act;

(10) Makes recommendations in accordance with agency procedures as to whether a particular *acquisition should* be awarded under subpart [19.5](#) as a small business set-aside, under subpart [19.8](#) as a section 8(a) award, under subpart [19.13](#) as a *HUBZone* set-aside, under subpart [19.14](#) as a set-aside service-disabled veteran-owned small business (SDVOSB) *concerns* eligible under the SDVOSB Program, or under subpart [19.15](#) as a set-aside for economically disadvantaged women-owned small business (EDWOSB) *concerns* or women-owned small business (WOSB) *concerns* eligible under the WOSB Program;

(11) Conducts annual reviews to assess the—

(i) Extent to which small businesses are receiving a fair share of Federal *procurements*, including contract opportunities under the programs administered under the Small Business Act;

(ii) Adequacy of consolidated or bundled contract documentation and justifications; and

(iii) Actions taken to mitigate the effects of necessary and justified consolidation or *bundling* on small businesses.

(12) Provides a copy of the assessment made under paragraph (c)(11) of this section to the *Agency Head* and SBA Administrator;

(13) Provides to the *chief acquisition officer* and *senior procurement executive* advice and comments on *acquisition* strategies, *market research*, and justifications related to consolidation of contract requirements;

(14) When notified by a small business *concern* prior to the award of a contract that the small business *concern* believes that a *solicitation*, request for proposal, or request for quotation unduly restricts the ability of the small business *concern* to compete for the award—

(i) Submits the notification by the small business *concern* to the *contracting officer* and, if necessary, recommends ways in which the *solicitation*, request for proposal, or request for quotation *may* be altered to increase the opportunity for competition; and

(ii) Informs the advocate for competition of such agency (as established under 41 U.S.C 1705 or [10 U.S.C. 3249](#)) of such notification;

(15) Ensures agency purchases using the Governmentwide purchase card that are greater than the *micro-purchase threshold* and less than the *simplified acquisition threshold* were made in compliance with the Small Business Act and were properly recorded in accordance with [subpart 4.6](#) in the Federal *Procurement* Data System;

(16) Assists small business contractors and subcontractors in finding resources for education and training on compliance with *contracting* regulations;

(17) Reviews all subcontracting plans required by [19.702\(a\)](#) to ensure the plan provides maximum

practicable opportunity for small business *concerns* to participate in the performance of the contract; and

(18) Performs other duties listed at [15 U.S.C. 644\(k\)](#).

(d) Small business specialists *shall* be appointed and act in accordance with agency regulations.

(1) The *contracting activity shall* coordinate with the small business specialist as early in the *acquisition planning* process as practicable, but no later than 30 days before the issuance of a *solicitation*, or prior to placing an order without a *solicitation* when the *acquisition* meets the dollar thresholds set forth at [7.107-4\(a\)\(1\)](#). See also [7.104\(d\)](#).

(2) The small business specialist *shall* notify the agency's Director of the *Office of Small and Disadvantaged Business Utilization*, and for the Department of Defense, the Director of the Office of Small Business Programs, when the criteria relating to substantial *bundling* at [7.107-4\(a\)\(1\)](#) are met.

(3) The small business specialist *shall* coordinate with the *contracting activity* and the SBA PCR on all determinations and findings required by [7.107](#) for consolidation or *bundling* of contract requirements.

Parent topic: [Subpart 19.2 - Policies](#)