

19.602-1 Referral.

(a) Upon determining and documenting that an apparent successful small business *offeror* lacks certain elements of responsibility (including, but not limited to, capability, competency, capacity, credit, integrity, perseverance, tenacity, and limitations on subcontracting, but for *sureties* see 28.101-3(f) and 28.203-1(e)), the *contracting officer shall*-

(1) Withhold contract award (see 19.602-3); and

(2) Refer the matter to the cognizant SBA Government *Contracting* Area Office (Area Office) serving the area in which the headquarters of the *offeror* is located, in accordance with agency procedures, except that referral is not necessary if the small business *concern*-

(i) Is determined to be unqualified and *ineligible* because it does not meet the standard in 9.104-1(g), provided, that the determination is approved by the chief of the *contracting office*; or

(ii) Is suspended or debarred under Executive Order 11246 or subpart 9.4.

(b) If a partial set-aside is involved, the *contracting officer shall* refer to the SBA the entire quantity to which the *concern may* be entitled, if responsible.

(c) The referral *shall* include-

(1) A notice that a small business *concern* has been determined to be nonresponsible, specifying the elements of responsibility the *contracting officer* found lacking; and

(2) If applicable, a copy of the following:

(i) *Solicitation*.

(ii) Final *offer* submitted by the *concern* whose responsibility is at issue for the *procurement*.

(iii) Abstract of bids or the *contracting officer's* price negotiation memorandum.

(iv) *Preaward survey*.

(v) *Technical data* package (including drawings, specifications and statement of work).

(vi) Any other justification and documentation used to arrive at the nonresponsibility determination.

(d) For any single *acquisition*, the *contracting officer shall* make only one referral at a time regarding a determination of nonresponsibility.

(e) Contract award *shall* be withheld by the *contracting officer* for a period of 15 business days (or longer if agreed to by the SBA and the *contracting officer*) following receipt by the appropriate SBA Area Office of a referral that includes all required documentation.

Parent topic: 19.602 Procedures.