

19.502-3 Partial set-asides of contracts other than multiple-award contracts.

(a) The *contracting officer shall* set aside a portion or portions of an *acquisition*, except for *construction*, for exclusive small business participation when—

- (1) *Market research* indicates that a total set-aside is not appropriate (see [19.502-2](#));
- (2) The requirement can be divided into distinct portions;
- (3) The *acquisition* is not subject to *simplified acquisition procedures*;
- (4) Two or more responsible small business *concerns* are reasonably expected to submit *offers* on the set-aside portion or portions of the *acquisition* that are competitive in terms of *fair market prices*, quality, and delivery;
- (5) The specific program eligibility requirements identified in this part apply; and
- (6) The *solicitation* will result in a contract other than a *multiple-award contract* (see [2.101](#) for definition of *multiple-award contract*).

(b) When the *contracting officer* determines that a requirement is to be partially set aside, the *solicitation shall* identify which portion or portions are set aside and not set aside.

(c) The *contracting officer shall* specify in the *solicitation* how *offers shall* be submitted with regard to the set-aside and non-set-aside portions.

(d) *Offers* received from *concerns* that do not qualify as small business *concerns shall* be considered nonresponsive and *shall* be rejected on the set-aside portion of partial set-asides. However, before rejecting an *offer* otherwise eligible for award because of questions concerning the size representation, an SBA determination *must* be obtained (see [subpart 19.3](#)).

Parent topic: [19.502 Setting aside acquisitions.](#)