19.1306 HUBZone sole-source awards.

- (a) A contracting officer shall consider a contract award to a HUBZone small business concern on a sole-source basis (see $\underline{6.302-5}(b)(5)$) before considering a small business set-aside (see $\underline{19.203}$ and subpart $\underline{19.5}$), provided none of the exclusions at $\underline{19.1304}$ apply; and-
- (1) The *contracting officer* does not have a reasonable expectation that *offers* would be received from two or more *HUBZone* small business *concerns*;
- (2) The anticipated price of the contract, including options, will not exceed-
- (i) \$8.5 million for a requirement within the North American *Industry* Classification System (NAICS) codes for manufacturing; or
- (ii) \$5.5 million for a requirement within all other NAICS codes;
- (3) The requirement is not currently being performed by an 8(a) participant under the provisions of <u>subpart 19.8</u> or has been accepted as a requirement by SBA under <u>subpart 19.8</u>;
- (4) The *HUBZone* small business *concern* has been determined to be a responsible contractor with respect to performance; and
- (5) Award can be made at a fair and reasonable price.
- (b) The SBA has the right to appeal the *contracting officer*'s decision not to make a *HUBZone* solesource award (see <u>13 CFR 126.610</u>).

Parent topic: Subpart 19.13 - Historically Underutilized Business Zone (HUBZone) Program