



## WHY A SMALL BUSINESS PROGRAM?

- **The Small Business Program was developed by Law**
  - Ensure “Fair Proportion” of Federal Acquisitions are placed with small business concerns
  - Protection of vital resources that promote and advance our national economy, industrial base, and technologies
    - Serves the national interest
    - Strengthens the national defense



- **... But It’s Not Just About the Law**

Small Business is good for the economy—”Small Business is Good Business”



1

1

## SMALL BUSINESS POLICY



**F  
A  
R  
1  
9  
2  
0  
1**

- 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 woman-owned small business concerns.

**S  
U  
B  
C  
O  
N  
T  
R  
A  
C  
T**

- 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.

FAR 19.201(a)

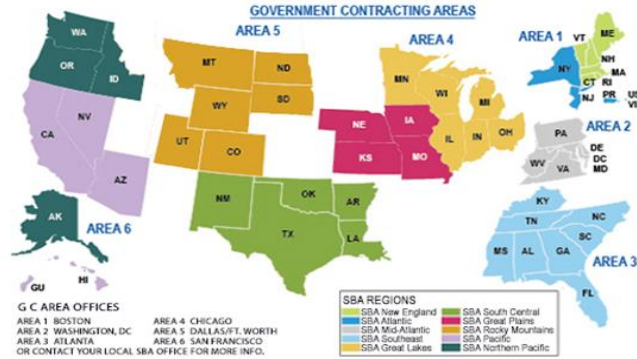


2

2

# Office of Government Contracting (GC)

**Our mission is to assist small businesses in obtaining a fair share of Federal Government contracts, subcontracts and property sales.**



3

3

## Area Offices

### What Do We Do:

- Certificate of Competency Program
- Natural Resources Assistance Program
- Small Business Size Determinations
- Waivers of the Nonmanufacturer Rule
- Surveillance Reviews
- Natural Resources and Sales Assistance Program (Timber)
- GC also plays a major role in the formulation of federal procurement policies that affect small businesses

### Who Are We:

- GC headquarters staff and field staff positions
- Procurement Center Representatives (PCRs)
- Commercial Market Representatives (CMRs)
- Certificate of Competency (COC) Specialists
- Size Determination Specialists
- Industrial Specialists (IS)
- To locate an SBA Area Office go to <https://www.sba.gov/contracting/resources-small-businesses/pcr-directory>



4

4

## Prime Contracts Program

**The SBA’s Prime Contracts Program serves to strengthen the economy of the Nation by striving to create maximum practicable opportunities for Small Business (SB) and all other socio-economic concerns while increasing overall competition in the Federal acquisition process.**



5

5

## PCR RESPONSIBILITIES

- Assigned to a contracting activity to carry out SBA policies and programs
- Recommend the set-aside of selected acquisitions
- Recommend new qualified small business sources
- Appeal Contracting Officers’ decisions which they deem adverse to small businesses
- Provide advice to “other than small businesses” (OTSB) concerns to facilitate subcontracting opportunities for small businesses
- Investigate issues upon the request of a SB, the activity, or SBA office



6

6

## Subcontracting Assistance Program Mission

The mission of the Subcontracting Assistance Program is to ensure domestic small businesses receive a fair and equitable opportunity to compete for and receive subcontracts resulting from Federal prime contracts.



7

## Commercial Market Representatives

- Provide post-award Subcontracting training
- Facilitate the matching of OTSB prime contractors with small business concerns
- Counsel OTSB prime contractors on their responsibilities to maximize subcontracting opportunities for small business concerns
- Counsel small businesses on how to market themselves to OTSB businesses
- Perform periodic compliance reviews to ensure OTSBs are maximizing opportunities to small business concerns



8

## What is the Certificate of Competency (COC) Program?

A small business's second chance at winning a contract.

The small business must:

- be in line for award of contract
  - Only one firm can be in line for award at a time
- be found responsive, but not responsible to perform on the contract for reasons of:
  - Credit – Capacity – Credit & Capacity - Tenacity – Perseverance - Integrity



9

9

## COC Program, cont'd

- The small business must be referred to the SBA for a COC by the Contracting Officer;
- The small business must apply for the COC;
- SBA performs its own independent analysis of the small business's responsibility;
- If SBA agrees with the Contracting Officer's assessment of the firm, a COC will not be issued and the Contracting Officer can move forward with the procurement.



10

10

## COC Program, cont'd

- If SBA's analysis finds the firm to be responsible, SBA will issue a COC to the Contracting Officer and the Contracting Officer must award the contract to the small business (with some exceptions)
- Each COC is specific to the contract for which it was referred and a decision in one case has no bearing on any future referral



11

11

## Where to send COC referrals

### If the HQ of the offeror is located in:

#### AREA I

CT, ME, MA, NH, NJ, NY, RI, VT, PR, VI

#### AREA II

DE, DC, MD, PA, VA, WV

#### AREA III

AL, FL, GA, KY, MS, NC, SC, TN

#### AREA IV

IL, IN, IA, KS, MI, MN, MO, NE, OH, WI

#### AREA V

AR, CO, LA, MT, ND, NM, OK, SD, TX, UT, WY

#### AREA VI

AK, AZ, CA, HI, ID, NV, OR, WA

### the COC must be sent to:

Carolyn Clark, Admin. Specialist  
U.S. Small Business Administration  
Office of Government Contracting, Area I  
26 Federal Plaza, Room 3100  
New York, NY 10278

[carolyn.clark@sba.gov](mailto:carolyn.clark@sba.gov)  
(212) 264-3231

Adrian Groth, COC Specialist  
U.S. Small Business Administration  
409 Third Street, S.W.  
Washington, DC 20416

[adrian.groth@sba.gov](mailto:adrian.groth@sba.gov)  
(202) 205-6840

Gary Heard, COC Coordinator  
U.S. Small Business Administration  
4890 University Square, Suite 3  
Huntsville, AL 35816

[gary.heard@sba.gov](mailto:gary.heard@sba.gov)  
(256) 842-6240

David Gordon, COC Coordinator  
U.S. Small Business Administration  
500 West Madison Street, Suite 1150  
Chicago, IL 60661

[david.gordon@sba.gov](mailto:david.gordon@sba.gov)  
(312) 353-7674

Mia Fagley, Industrial Specialist  
U.S. Small Business Administration  
721 19th Street, Suite 426  
Denver, CO 80202-2517

[mia.fagley@sba.gov](mailto:mia.fagley@sba.gov)  
(303) 927-3487

Aaron Parra, COC Coordinator  
U.S. Small Business Administration  
312 N Spring Street, Suite 523  
Los Angeles, CA 90012

[aaron.parra@sba.gov](mailto:aaron.parra@sba.gov)  
(213) 634-3823



12

## Why is size status important?

### 1. **Federal Contracting:**

Set aside for small businesses must be awarded to legitimate small businesses to ensure an even playing field

### 2. **Other situations:**

- Programs of other agencies – patents and licensing
- Certifications – VIP, 8(a), WOSB, HUBZone
- Obtaining federal property



13

13

## What is a Small Business?

### 1. **Organized for profit**

### 2. **Place of business in the U.S.**

- And operates primarily in the U.S., or makes a significant contribution to the U.S. economy such as through the payment of taxes, use of American products, labor, or materials

### 3. **Each North American Industrial Classification System (NAICS) has a receipts-based OR employee-based size standard**

- Each NAICS code has a small business size standard
- NAICS are created by the Dept. of Census, not SBA
- Wholesale and retail NAICS are not used in government procurements

13 CFR § 121.105<sup>4</sup>

14

## How SBA Sets Size Standards

- SBA has exclusive authority to set the small business size standard for each NAICS code
- 2017 NAICS/Size Standards
- Rolling reviews every five years
- Adjustments for inflation
- Changes apply to new solicitations posted after rule takes effect (or CO may modify them into an existing open solicitation at their discretion)



15

15

## Average Annual Receipts

- Use federal tax returns
- Cost of goods sold plus total income
- Until January 6, 2022, firms may choose either the average of last three **or** the last five completed fiscal years; after that date, the five-year average will apply to all firms

## Number of Employees

- Count all individuals employed on a full-time, part-time, temporary, permanent, or other basis
- Average of the numbers of employees for each of the pay periods for the preceding completed 12 calendar months



16

16



## Which Size Protests Must be Sent to SBA?

### ALL OF THEM

- Protests must be filed with CO, **not** SBA
  - COs must forward to SBA
  - COs/agencies do not have the legal authority to:
    - decide a size protest;
    - ignore a size protest; or
    - advise the protester to modify, change, or resubmit the protest.
- 13 CFR §121.1006(a); FAR §19.302(c)(1)**

Size protests go to SBA **Area Offices**

**(NOTE:** status or eligibility protests must be forwarded to the SBA Office of Government Contracting in DC)



17

17

## Referral Procedure

Notify unsuccessful offerors and then **wait five days** before making award. Pre-award notification is required for RFPs/RFQs and a great idea for IFBs

**FAR §15.503(a)(2)**

Which Area Office?

The one that has jurisdiction over state in which HQ of **protested** concern is located

**13 CFR §121.1003; FAR §19.302(c)(1)**



18

18

## Area of Jurisdiction

If the headquarters of a protested concern is located in:

Forward the protest to the SBA Office of Government Contracting:

**CT, ME, MA, NH, NJ, NY, RI, VT**

10 Causeway Street, Room 265  
Boston, MA 02222-1093  
Janette Fasano (617) 565-5622  
janette.fasano@sba.gov

**DE, DC, MD, PA, VA, WV**

1150 First Avenue, Parkview Towers  
King of Prussia, PA 19406  
Helen Goza (610) 382-3190  
helen.goza@sba.gov

**AL, FL, GA, KY, MS, NC, SC, TN**

233 Peachtree Street NE, Suite 225  
Atlanta, GA 30303  
Jessica Avbioye (407) 380-8252  
jessica.avbioye@sba.gov

**IL, IN, IA, KS, MI, MN, MO, NE, OH, WI**

500 West Madison Street, Suite 1150  
Chicago, IL 60661  
David Gordon (312) 353-7674  
david.gordon@sba.gov

**AR, CO, LA, UT, WY, NM, OK, TX, MT, ND, SD**

4300 Amon Carter Boulevard, Suite 116  
Fort Worth, TX 76155  
Stephanie Lewis (817) 684-5305  
stephanie.lewis@sba.gov

**AK, AZ, CA, HI, ID, NV, OR, WA, Guam**

455 Market Street, 6th floor  
San Francisco, CA 94105  
Esmeralda Sanchez (415) 744-4242  
esmeralda.sanchez@sba.gov



19

## SBA's Natural Resource Sales Assistance Program

- **These efforts are concentrated primarily on sales of Federal Timber**
- **Aid and assist small business concerns in obtaining a fair share of Federal property offered for sale or lease**



20