



## DoD INSTRUCTION 5134.04

### DIRECTOR OF SMALL BUSINESS PROGRAMS

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**Originating Component:** Office of the Under Secretary of Defense for Acquisition and Sustainment

**Effective:** December 4, 2017

**Change 2 Effective:** April 8, 2022

**Releasability:** Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

**Reissues and Cancels:** DoD Instruction 5134.04, "Director of Small and Disadvantaged Business Utilization," September 27, 2005

**Approved by:** Ellen M. Lord, Under Secretary of Defense for Acquisition, Technology, and Logistics

**Change 2 Approved by:** Ahmad S. Khan, Chief of Staff, Under Secretary of Defense for Acquisition and Sustainment

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**Purpose:** This issuance:

- Establishes the position of the Director of Small Business Programs (SBP) in accordance with the authority in DoD Directive 5135.02 and pursuant to Section 644(k) of Title 15, United States Code (U.S.C.).
- Updates the responsibilities, functions, relationships, and authorities of the Director of SBP.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

### **1.1. APPLICABILITY.** This issuance:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the DoD that award or administer contracts, cooperative agreements, and grants (referred to collectively in this issuance as the “DoD Components”).

b. Does not apply to matters relating to contracts for goods and services funded solely by non-appropriated funds.

**1.2. POLICY.** The DoD will have a Director of SBP to be the focal point for all policy, practice, and procedures relating to the SBP within the DoD and performing the duties and functions set forth at Section 644(k) of Title 15, U.S.C.

**1.3. SUMMARY OF CHANGE 2.** This change updates references and organizational symbols to reflect the reorganization of the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

## **SECTION 2: RESPONSIBILITIES**

**2.1. DIRECTOR OF SBP.** Under the authority, direction, and control of the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), the Director of SBP serves as the principal advisor to the USD(A&S) and the Secretary of Defense to provide small businesses the maximum practicable opportunity to participate as prime contractors or subcontractors for DoD purchases, contracts, and other agreements for the procurement of products or services in accordance with Sections 631–657s of Title 15, U.S.C.

**2.2. OSD AND DOD COMPONENT HEADS.** The OSD and DoD Component heads coordinate with the Director of SBP on all matters related to the authorities, responsibilities, and functions assigned in this issuance.

## **SECTION 3: DIRECTOR OF SBP**

### **3.1. RESPONSIBILITIES AND FUNCTIONS.** The Director of SBP will:

- a. Implement and execute the functions, duties, and powers set forth at Sections 631–657s of Title 15, U.S.C., as they relate to the DoD; Section 144 of Title 10, U.S.C.; relevant sections of the Federal Acquisition Regulation (FAR), Defense Federal Acquisition Regulation Supplement (DFARS), and associated DFARS procedures, guidance, and information; and DoD Instruction (DoDI) 4205.01.
- b. Manage and oversee the DoD SBP, in accordance with DoDI 4205.01.
- c. Conduct analyses, develop policies, provide advice, make recommendations, and issue guidance on DoD plans, programs, and requirements.
- d. Develop plans, programs, procedures, goals, and objectives, and initiate actions and taskings to ensure DoD Components adhere to DoD policies.
- e. Develop systems and standards consistent with applicable DoD information technology policies, for the administration of approved policies, plans, and programs.
- f. Conduct reviews (including compliance reviews of the DoD Components and major prime contractors) and evaluate programs to ensure adherence to approved policies and standards.
- g. Participate in the Planning, Programming, Budgeting, and Execution process and the Defense Acquisition System.
- h. Participate in developing and maintaining the FAR and the DFARS by coordinating on all revisions related to small business and providing a DoD SBP representative to serve as a member of the FAR Acquisition Small Business Team and the DFARS Small Business Committee.
- i. Keep the USD(A&S); Principal Director, Defense Pricing and Contracting; DoD Component Directors of SBP; and the Small Business Administration informed of significant trends or initiatives, as appropriate.
- j. Promote coordination, cooperation, and mutual understanding within the DoD and between the DoD, congressional committees, other government agencies, and the public.
- k. Serve on boards, committees, and other groups and represent the Secretary of Defense and the USD(A&S) outside the DoD regarding small business matters.
- l. Perform other duties as assigned by the Secretary of Defense or the USD(A&S).

### **3.2. RELATIONSHIPS.** In performing their assigned responsibilities and functions, the Director of SBP will:

- a. Report to the USD(A&S).
- b. Coordinate and exchange information with officials of the DoD Components who are responsible for implementing the DoD SBP, such as the DoD Component Directors of SBP and other acquisition officials responsible for formulating and approving acquisition strategies.
- c. Use existing systems, facilities, and services of the DoD and other federal agencies, when practicable, to avoid duplication and to achieve maximum efficiency and economy of DoD resources in support of SBP.
- d. Use procurement data maintained in mandatory federal data systems for prime contracting and subcontracting performance data.

**3.3. AUTHORITIES.** The Director of SBP is hereby delegated authority to:

- a. Obtain reports and information, consistent with DoDI 8910.01, as necessary, in carrying out assigned responsibilities and functions.
- b. Communicate directly with the DoD Component heads, as necessary, to carry out assigned responsibilities and functions, including the transmission of requests for advice and assistance. Communications to the Military Departments will be through the Secretaries of the Military Departments, their designees, or as otherwise provided in law or directed by the Secretary of Defense in other DoD issuances. Communication to the Combatant Commanders will be in accordance with Paragraph 4.b.(3) of DoD Directive 5100.01.
- c. Establish arrangements for the DoD to participate in non-defense governmental programs for which the Director of SBP is assigned primary staff oversight.
- d. Communicate with other government officials, representatives of the Legislative Branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned responsibilities and functions.

## **GLOSSARY**

### **G.1. ACRONYMS.**

DFARS	Defense Federal Acquisition Regulation Supplement
DoDI	DoD instruction
FAR	Federal Acquisition Regulation
SBP	small business programs
U.S.C.	United States Code
USD(A&S)	Under Secretary of Defense for Acquisition and Sustainment

**G.2. DEFINITION.** This term and its definition are for the purpose of this issuance.

**SBP.** Programs carried out pursuant to Sections 631–657s of Title 15, U.S.C., to ensure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the government (including but not limited to contracts or subcontracts for maintenance, repair, and construction) be placed with small-business enterprises, to ensure that a fair proportion of the total sales of government property be made to such enterprises, and to maintain and strengthen the overall U.S. economy.

These programs include small business, veteran-owned small business, service-disabled veteran-owned small business, historically underutilized business zone small business, small disadvantaged business, women-owned small business, DoD Mentor-Protégé Program, Indian Incentive Program, Small Business Innovation Research, Small Business Technology Transfer, and all other small business programs in the DoD.

## **REFERENCES**

Defense Federal Acquisition Regulation Supplement, current edition  
DoD Directive 5100.01, “Functions of the Department of Defense and Its Major Components,”  
December 21, 2010, as amended  
DoD Directive 5135.02, “Under Secretary of Defense for Acquisition and Sustainment,” July 15,  
2020  
DoD Instruction 4205.01, “DoD Small Business Programs (SBP),” June 8, 2016, as amended  
DoD Instruction 8910.01, “Information Collection and Reporting,” May 19, 2014, as amended  
Federal Acquisition Regulation, current edition  
United States Code, Title 10, Section 144  
United States Code, Title 15