

# Small Business Regulation and Legislation Update

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# Pending FAR Rules

- ▶ Similarly Situated Entities/Limitations on Subcontracting/Non-Manufacturer Rule Interim Final Rule
  - ▶ Joint Venture Proposed Rule
  - ▶ Multiple Award Contracting Final Rule
  - ▶ Part 19 and Contracts Awarded and Performed Outside the U.S. Proposed Rule
  - ▶ Lower Tier Subcontracting Proposed Rule
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# Pending SBA Rules

- ▶ LOS adjustments, order set asides, posting notice of bundling, PCR review of DOD overseas contracts, double credit for local area small business set asides proposed rule
  - ▶ SDVO Ownership and Control Proposed Rule
  - ▶ WOSB Certification Proposed Rule
  - ▶ HUBZone Proposed Rule
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# VA OHA Protests and Appeals Proposed Rule

- ▶ Protests of CVE eligibility and appeals of denials or cancellations of inclusion in the CVE database
- ▶ 30 day comment period
- ▶ Implements portion of Section 1832 of the NDAA 2017
- ▶ Only applies to VA
- ▶ Non-VA SBA SDVO protest and appeal process remains
- ▶ 82 FR 45212 (Sep. 28, 2017)

# NDAA 2018

- ▶ Section 805 – Simplified Acquisition Threshold increased to \$250,000
- ▶ Section 806 – Micro-Purchase Threshold increased to \$10,000
- ▶ Section 1702 – inserts SAT and MPT into Section 15(j) of the Small Business Act (the statutory SB reserve)
  - Replaces dollar amounts

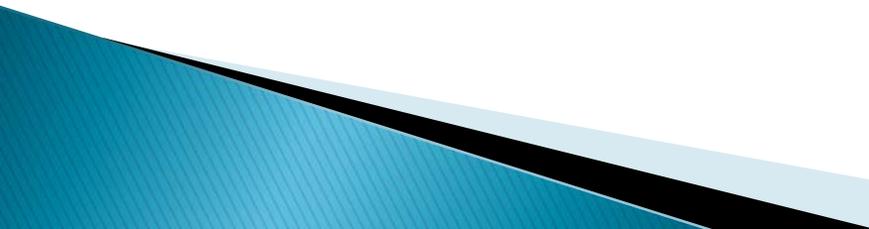
# NDAA 2018

- ▶ LOS and NMR will not apply to small business set-asides below \$250,000
- ▶ Section 1702 also defines prime contract, for purposes of the Small Business Act, as a contract or contractual action entered into by the Federal Government to obtain supplies, materials, equipment, or services of any kind.
- ▶ (j) Small business reservation.(1) Each contract for the purchase of goods and services that has an anticipated value greater than MPT but not greater than SAT shall be reserved exclusively for small business concerns unless the contracting officer is unable to obtain offers from two or more small business concerns that are competitive with market prices and are competitive with regard to the quality and delivery of the goods or services being purchased.

# NDAA 2018

- ▶ Section 1701 (HUBZone)
  - ▶ Uses state median income to calculate status for nonmetropolitan county
  - ▶ Base Closure Area will remain HUBZone for at least 8 years
  - ▶ Re-designated area eligible for 3 years
  - ▶ State governors may petition for HUBZone designation
  - ▶ HUBZone application review within 60 days of complete application
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# NDAA 2018 – Section 1701

- ▶ HUBZone recertification no later than every 3 years
  - ▶ Program Examination – if ineligible, firm has 30 days to show qualified, may not compete for HUBZone contracts during that time
  - ▶ Map will not change until January 1, 2020, then will be updated every 5 years
  - ▶ SBA must annually report on whether HUBZone is promoting economic development in distressed areas
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# NDAA 2018

- ▶ Section 1703 – report on recertification due to acquisition or merger, delineate whether awards were made under other authorities
  - ▶ Section 1704 – Responsibilities of Business Opportunity Specialists
  - ▶ Section 1705 – Responsibilities of Commercial Market Representatives
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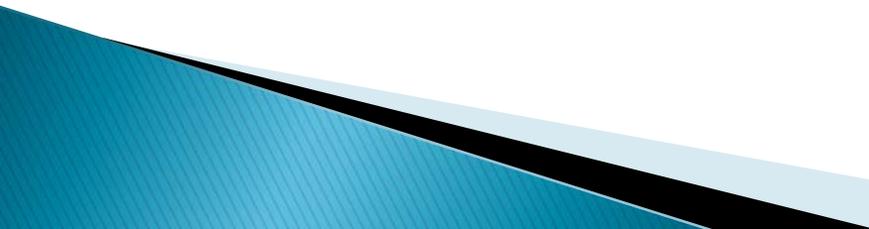
# NDAA 2018

- ▶ Section 1706 – Modification of Pilot Program for Subcontractor to obtain past performance to include allies
  - ▶ Section 1707 – DoD shall provide notice of cost-free procurement technical assistance
  - ▶ Section 1708 – SBIR and STTR included under DoD procurement technical assistance
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# NDAA 2018

- ▶ Section 1709 – SBIR and STTR considered competitive procedures, no justification required for Phase III awards
- ▶ Section 1710 – Pilot Program for Streamlined Technology Transition from the SBIR and STTR programs – DoD may create multiple award contracts for SBIR/STTR participants, DoD may establish procedures that waive competition requirements of 10 USC 2304, expires September 30, 2023

# NDAA 2018

- ▶ Section 1711 – Pilot Program on Strengthening Manufacturing in the Defense Industrial Base – loans and loan guarantees to small and medium-sized manufacturers, debt and equity investments in third party entities to support investment in small and medium-sized manufacturers
  - ▶ Section 1713 – Report on SBC use on MAC contracts, within 180 days of enactment
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- ▶ Questions?