

**SBA**  
**Office of Government**  
**Contracting Area V**

**Fred Lagunas**

Procurement Center Representative (PCR)

&

Commercial Market Representative (CMR)

17 Feb 2010

# *Federal Contracting Dollars*



## Total Procurements:

\$432,361,704,684.00

(\$432.3 billion)

## Small Business Share:

\$96,959,057,606.

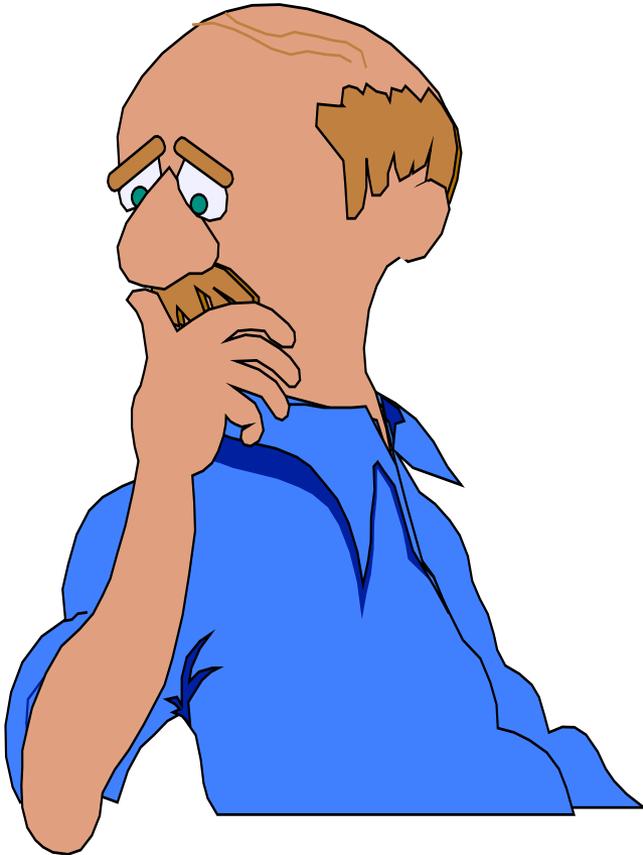
(\$96.9 billion)

(22.40%)

*Fiscal Year 2009 through 30 Sept 09*

# *Federal Contracting Dollars (continued)*

## *Wait! There's more!*



### **Total Subcontracting:**

\$184,933,459,361

(\$184.9 billion)

### **Small Business Share:**

\$64,818,507,488

(\$64 .8 billion)

(35.0%)

***Fiscal Year 2007 Final Report***

# *What is a Small Business?*

- The Small Business Act defines a small business as a concern that is organized for profit; has a place of business in the U.S.; operates primarily within the U.S. or makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor; is independently owned and operated; and is not dominant in its field on a national basis.
- The business may be a sole proprietorship, partnership, corporation, or any other legal form.

# *What is a Small Business? (continued)*

- Manufacturing, Wholesale Trade, and Research & Development are based on number of employees.
- Services and construction are based on annual revenue (3-year average).
- All size standards are published on [www.sba.gov/size](http://www.sba.gov/size).

# *Government-wide Statutory Goals Small Business Act: Section 15(g)*

- Small Business (SB) - 23%
- Small Disadvantaged Business (SDB) - 5%
- Women-Owned Small Business (WOSB) - 5%
- HUBZone Small Business - 3%
- Service-Disabled Veteran-Owned SB - 3%

# *Statutory Subcontracting Goals*

## *Small Business Act: Section 15(g)*

- Small Business (SB) - negotiable
- Small Disadvantaged Business (SDB) - 5%
- Women-Owned Small Business (WOSB) - 5%
- HUBZone Small Business - 3%
- Veteran-Owned Small Business - negotiable
- Service-Disabled Veteran-Owned SB - 3%

# *U.S. Small Business Administration*

## *What's New?*

- *In October 2008, SBA stopped certifying small disadvantaged businesses.*
  - *SDBs will now self-certify, just as small businesses do.*
- *In January 2009, SBA extended the Public Comment period for comments on the Eligible Industries for the Women's Set-Aside Program.*
  - *Although the comment period has ended, this Program cannot be implemented until SBA publishes a Final Rule identifying the Eligible Industries.*

# *Who doesn't need Federal certification?*

- Small Business
- Woman-Owned Small Business
- Small Disadvantaged Business \*
- Veteran-Owned Small Business
- Service-Disabled Veteran-Owned Small Business

\* *Until the applicable FAR clauses are changed, subcontractors claiming SDB status must still be certified by SBA. (SBA's 8(a) certification will satisfy this requirement for SDBs that were never certified as SDBs or whose certification has expired.)*

# *Okay, So Who Does Need SBA Certification?*

- HUBZone small business concerns
- 8(a) concerns

***SBA continues to certify HUBZone small business concerns and 8(a) concerns. Applications are available on [www.sba.gov](http://www.sba.gov).***

# *Recent and Important GAO Decisions*

- **International Program Group, Inc. (IPG)**

Protest against the U.S. Marine Corps

On September 19, 2008, GAO ruled that an agency must first consider a HUBZone set-aside before making a set-aside for Service-Disabled Veterans.

- **Delex Systems, Inc.**

Protest against the U.S. Navy (NAVAIR)

On October 8, 2008, GAO ruled that an agency must apply the small business set-aside procedures in the Federal Acquisition Regulation (FAR) 19.502-2(b) to task and delivery orders.

- **Mission Critical Solutions**

Protest against the U.S. Army

On May 4, 2009, GAO ruled that an agency must first consider a HUBZone set-aside before making a sole-source award to an Alaska Native Corporation under the 8(a) Program.

# *Recent and Important GAO Decisions (con't.)*

## *SBA's Position*

- SBA believes that the HUBZone, 8(a), and Service-Disabled Veteran Programs have equal parity – i.e., they are equal for purposes of Federal procurement.
- SBA recognizes that the statute authorizing the HUBZone Program does give the HUBZone Program preference over small business set-asides.
- SBA submitted a formal request to GAO for reconsideration of its May 2009 ruling on Mission Critical Solutions.
  - **Guidance issued last summer OMB and the Dept. of Justice were 100% in support of SBA's position on equal parity**
  - **Business as usual until the legal review is completed**

*Recent and Important Court Decision*  
*Rothe Development Corp. v. U.S.*  
*Department of Defense*

- Decided November 4, 2008, by the U.S. Court of Appeals for the Federal Circuit.
- Ruling found that 10 USC 2323 is unconstitutional (USC 2323 applies to DoD, NASA, Coast Guard)
- The Court found that the Congress lacked a “strong basis of evidence” for concluding that race-conscious contracting was necessary to remedy discrimination in the defense industry.
- This ruling effectively strikes down the 10% Price Evaluation Preference and other preferences for small disadvantaged businesses (SDBs).

*Recent and Important Court Decision*  
*Rothe Development Corp. v. U.S.*  
*Department of Defense*

*SBA's Position*

- The Court's decision has no bearing on SBA's authority to negotiate SDB goals with other Federal agencies, since this authority comes from 15 U.S.C. 644(g), not from 10 U.S.C. 2323.
- Likewise, the decision has no impact on SBA's 8(a) Program, since that Program is authorized by 15 U.S.C. 637(a).

# *Women's Procurement Program*

- The Omnibus Bill signed into law by the President in 2009 included a provision barring the SBA from using any of its funds to implement a regulation that narrowly restricts the industries eligible for set-asides under the women's procurement program.
- The Women's Procurement Program is a priority for the Administration, and the Agency is currently reviewing public comments received on the proposed industries.

# *American Recovery and Reinvestment Act of 2009 (ARRA) “Stimulus Bill”*

## Small businesses should:

- Track ARRA solicitations and contract awards on FedBizOpps ([www.fbo.gov](http://www.fbo.gov))
  - Bid on ARRA solicitations when appropriate
  - Use ARRA contract award information for leads on subcontracting opportunities
- Identify additional subcontracting opportunities by means of SBA’s SUB-Net

# ★ FEDBIZOPPS.GOV

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Welcome to FBO.gov, the U.S Government's one-stop virtual marketplace. Through this single point-of-entry, commercial **vendors** and government **buyers** are invited to post, search, monitor, and retrieve opportunities solicited by the entire Federal contracting community.



## Find Opportunities

NO REGISTRATION REQUIRED

[Advanced Search](#) ▶ [View By Agency](#) ▶

### QUICK SEARCH

Go

[Advanced Search](#)



## RECOVERY

FBO now contains Recovery and Reinvestment Act actions.

[SEARCH RECOVERY OPPORTUNITIES](#)

[SEARCH RECOVERY AWARDS](#)



### FBO BID MODULE LAUNCHED

This new feature allows for the electronic submission and review of vendor responses to a notice. For more details, please review the updated user guides below.

## Buyers / Engineers

Government users may post, manage, and award opportunities.

Username

Password

Login

▶ [View Opportunities](#)

No login is required to view opportunities.

▶ [Register How](#)

▶ [Password Reminder](#)

▶ [Recovery FAQs](#)

## Vendors / Citizens

Vendors and citizens may search, monitor, and retrieve opportunities.

Username

Password

Login

▶ [Find Opportunities](#)

No login is required to view opportunities.

▶ [Register How](#)

▶ [Password Reminder](#)

▶ [Recovery FAQs](#)

### USER GUIDES

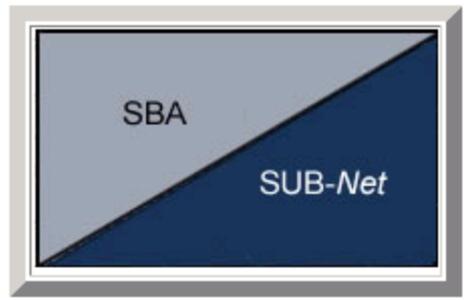
- [Buyer](#)
- [Vendor](#)
- [Engineer](#)
- [Location / Agency Admin](#)

Use [Adobe Acrobat Reader](#) to view files in PDF format.



Search Exit Help  
Post Home

SUB - Net



[Text Only](#)

## U.S. Small Business Administration Subcontracting Network

### [American Recovery and Reinvestment Act \(ARRA\) Subcontract Solicitations](#)

- [ARRA Prime Contracts Solicitations](#)
- [Iraq Reconstruction RFP's](#)

The use of SUB-Net fulfills the function set forth in [Federal Acquisition Regulation \(FAR\) 5.206](#), Notice of Subcontracting Opportunities, for contractors and subcontractors to post notices and thereby increase competition for subcontracts.

Also see SBA's [Subcontracting Opportunities Directory](#)  
DSBS-Dynamic Small Business Search Engine in [CCR](#) - Central Contractor Registration

[DISCLAIMER](#)



Search Exit Help  
Post Home

SUB - Net

### American Recovery and Reinvestment Act(ARRA) Subcontract Solicitations

Company Name	Closing Date	Description
<a href="#">Michels Corporation</a>	6/4/2009 2:00 PM	Michels Corporation is accepting bids from certified DBE's for the Cedar Boulevard Sanitary Sewer Rehabilitation Project, ARRA compliance required. Scope includes but not limited to Excavation, Traffic Control, Paving, Pipeline. USD, Union City, CA
<a href="#">ndt Construction Inc</a>	6/10/2009 12:00 PM	design and construction of a WIT Barracks with a total of 232 beds. The barracks will be a 46,593sf, three story building and house 232 personnel
<a href="#">ific Mechanical Corporation</a>	6/11/2009 10:00 AM	PMC is accepting bids from certified DBE's for the DDSD Aeration Improvements System. ARRA compliance is required. Scopes include but aren't limited to; Demo, Earthwork, Paving, Rebar, Masonry, Painting, HVAC & Electrical. PMC is an EOE.
<a href="#">ateway Pacific Contractors, Inc</a>	6/11/2009 2:00 PM	Gateway Pacific Contractors, Inc. is accepting bids from certified DBE's for the Delta Diablo Sanitation District Aeration System. ARRA compliance required. Scopes include but are not limited to Electrical, Demolition, HVAC, Rebar, and Painting.
<a href="#">weah Construction Co.</a>	6/11/2009 2:00 PM	KCC is accepting bids from certified DBE's for the DDSD Aeration Improvements System. ARRA compliance is required. Scopes include but aren't limited to painting, demolition, HVAC, & rebar. KCC is an equal opportunity employer.
<a href="#">ific Mechanical Corporation</a>	6/16/2009 12:00 PM	PMC is accepting bids from certified DBE's for the Oakdale WWTP Upgrade. ARRA compliance is required. Scope include but aren't limited to Demo, Earthwrk, Fence, Precast Concrete, HVAC, Painting, HDPE Liner, Doors, Hoists, Rebar & Electrical. PMC is an EOE.
<a href="#">four Beatty Infrastructure, Inc</a>	6/16/2009 2:00 PM	BBII is accepting bids from certified DBE's for Oakdale, CA WWTP Upgrade (ARRA Project) Scopes include, but not limited to: Demo, Asbestos Pipe Removal, Clearing, Trucking, Fencing, Paving, Sidewalks, Resteel, Steel and Alum Sealants, Painting, Topsoil

# *American Recovery and Reinvestment Act of 2009 (ARRA) “Stimulus Bill” (continued)*

- ARRA does not preclude the use of set-asides or even sole-source awards when customary rules and dollar thresholds apply (e.g., \$100,000 simplified acquisition threshold for small business set-asides).
- Look beyond the Federal Government because much of the ARRA funding will go to state and local Government agencies.

# *American Recovery and Reinvestment Act of 2009 (ARRA) “Stimulus Bill” (continued)*

## Other Tips

- Consider being a GSA Schedule Holder
- “Tune-up” your CCR Profile
  - Look at the CCR profiles of other firms in your own industry to see if your CCR Profile is competitive
- Self-certify (or apply for certification, if applicable) in as many socio-economic categories as you can
  - Remember that subcontracting plans have a separate goal for Veterans, not only Service-Disabled Veterans
- Make yourself stand out – a better CCR Profile, GSA Schedule Holder, etc.
  - Any additional socio-economic classification beyond Small Business is a **plus**

# *Central Contractor Registration (CCR)*

- CCR login procedures have changed. If you currently have a CCR record but do not have a user ID and password, you will not be able to access your record until you create a user account.
- **The deadline was December 21, 2009 to make this change.** You will need to create your user account prior to your renewal date.
- Contact your local Procurement Technical Assistance Center(PTAC) for assistance, Valeria Arias 210-207-3913



- New Registration
- Update or Renew Registration
- Search CCR
- Dynamic Business Search
- Request Data
- Privacy Notice

## Welcome to Central Contractor Registration (CCR)

Central Contractor Registration (CCR) is the primary registrant database for the U.S. Federal Government. CCR collects, validates, stores and disseminates data in support of agency acquisition missions. Click [here](#) to learn more about CCR Policy and Background.

**Related Links**

- [Online Representation and Certification \(ORCA\)](#)
- [Small Business Administration \(SBA\)](#)
- [D&B Web Form for DUNS Number Request](#)

**ATTENTION EXISTING USERS:** CCR login procedures have changed. If you currently have a CCR record, but do not have a user ID and password, you will not be able to access your record until you create a user account. **We have extended the deadline to make this change to December 21, 2009.** You will need to create your user account prior to your renewal date.

Please take a moment to review the [User Account Guide](#) before getting started. An [FAQ](#) page is also available to help you through the process.

### Most Recent Changes

**CCR/FedReg Change Notice:** Early Wednesday morning, **February 25, 2009**, the Central Contractor Registration (CCR) and Federal Agency Registration (FedReg) systems installed their latest release. This release includes making some FedReg elements optional and new Help screens for CCR. Neither CCRXML nor BPN format CCR extracts have new versions with this release. The most recent changes are documented on-line to further fill you in on the change at [Release Notes](#)

*Posted: 2/25/2009 7:00:00 AM Eastern Time*

**Increase in Small Business Size Standards** - The U. S. Small Business Administration (SBA) increased all revenue based small business size standards

# *American Recovery and Reinvestment Act of 2009 (ARRA) “Stimulus Bill” (continued)*

## Final Suggestions

- Know your customers
  - Use agency web sites to research
- Know your competitors
  - Use CCR/Dynamic Small Business Search to identify your competitors and learn more about them
- Know yourself – especially what you can and cannot do
  - Many small businesses get into trouble not knowing their own limitations
  - Seek teaming arrangements with companies whose expertise complements your own
- Market, market, market!

# *SBA's Key Internet Addresses*



- SBA's [Home Page](http://www.sba.gov): [www.sba.gov](http://www.sba.gov)
- SUB-Net: [web.sba.gov/subnet](http://web.sba.gov/subnet)
- Government Contracting:  
[www.sba.gov/GC](http://www.sba.gov/GC)
- 8(a) Business Development:  
[www.sba.gov/aboutsba/sbaprograms/8abd/index.html](http://www.sba.gov/aboutsba/sbaprograms/8abd/index.html)
- HUBZone: [www.sba.gov/hubzone](http://www.sba.gov/hubzone)
- Women: [www.womenbiz.gov](http://www.womenbiz.gov)

# *Contact Information*

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SBA District Office 210-403-5924

PTAC Office 210-207-3913

Small Business 210-458-2748  
Development Center (SBDC)