



GSA Office of Governmentwide Policy

Acquisition Letter MV-20-06

March 27, 2020

MEMORANDUM FOR: CHRIS BENNETHUM  
ACTING ASSISTANT COMMISSIONER  
OFFICE OF ASSISTED ACQUISITION

AND

KIM BROWN  
REGIONAL COMMISSIONER,  
GREAT LAKES REGION

FROM: JEFFREY A. KOSES  
SENIOR PROCUREMENT EXECUTIVE  
OFFICE OF ACQUISITION POLICY (MV)

SUBJECT: Promoting Responsible Innovation through the  
Small Business Innovation Research (SBIR)  
Program

## **1. Purpose.**

This Acquisition Letter (AL) provides permanent authority and guidance to use the Small Business Innovation Research (SBIR) Program through designated offices within assisted acquisitions for SBIR Phase III work.

## **2. Background.**

The Small Business Innovation Development Act of 1982 (P.L. 97-219) initially established the SBIR program with the purpose of strengthening the role of innovative small business concerns in Federally-funded research and development. GSA is not explicitly called out in statute for SBIR

authority, but the Small Business Administration (SBA) Associate General Counsel for Procurement Law found that "SBA strongly supports all efforts by FEDSIM to assist the participating agencies with finalizing and administering SBIR or STTR awards in accordance with statute and regulation. In conclusion, SBA interprets 9(g)(5) of the Small Business Act to allow a participating agency to select the SBIR or STIR awardee by either retaining the [Source Selection Authority] (SSA) at the participating agency or recommending the SBIR or STIR awardee to the SSA at the assisted acquisition office, as long as the participating agency retains the authority to terminate the [Interagency Agreement] (IAA) prior to award if it disagrees with the SSA."

With SBA support and in response to requests from various components of the Department of Defense (DoD) and other civilian agencies for greater levels of assisted acquisition support through the SBIR program, the Senior Procurement Executive (SPE) issued SPE Memo-2018-01 and Supplement No. 01 to authorize the Federal Acquisition Service (FAS) Office of Assisted Acquisition Services (AAS) for SBIR work.

SBIR work is a specialized acquisition practice, and GSA had very limited experience in using it effectively. GSA recognized that there were risks involved in moving into a new area of practice, both in GSA's limited knowledge of the process and in potential impact on GSA customers and goals. As such, SBIR authority through SPE Memo-2018-01 was issued as a pilot program, limited to SBIR Phase III work.

Through a series of toll gates and a procurement management review, the pilot program was found to be successful. The FEDSIM and Region 5 Client Support Center supported the DoD and civilian agencies through several successful procurements.

Based on the demonstrated success and control environment put in place, permanent authority is approved for these two organizations.

Additional organizations may be designated over time, as supplements to this AL.

### **3. Effective Date.**

This AL is effective immediately and remains in effect until rescinded or incorporated into the GSAR.

### **4. Cancellation.**

The following documents are hereby cancelled in their entirety:

- a. SPE Memorandum SPE-2018-01 signed May 30, 2018
- b. SPE Memorandum SPE-2018-01 Supplement No. 01 signed September 24, 2019

### **5. Authority.**

The FAS AAS FEDSIM and Region 5 Client Support Centers are authorized to provide assisted acquisition support for SBIR awards, limited to Phase III work only, on a permanent basis.

The SPE reserves the right to provide extended SBIR Phase III authority to additional acquisition offices. Any expansion to additional offices, including other parts of the FAS AAS organization, will require separate approval.

### **6. Requirements.**

Authorized GSA contracting offices can place SBIR Phase III awards subject to the below requirements.

- a. The Assistant Commissioner for FAS AAS must ensure alignment between the SBIR efforts in FEDSIM and Region 5.
- b. Per SBA's interpretation, GSA's SBIR authority is limited. All IAAs must ensure GSA has a means to address SBA's limitation regarding termination of the IAA if necessary.
- c. All SBIR Phase III awards must be reported in FPDS, under the Competition Information tab, which allows selection of SBIR/STTR from the drop down menu.
- d. Authorized GSA contracting officers must familiarize themselves with SBIR policies and procedures prior to making awards.

The SPE reserves the right to provide additional direction and guidance concerning the execution of SBIR Phase III awards.

**7. Point of Contact.**

Any questions regarding this letter may be directed to [GSARPolicy@gsa.gov](mailto:GSARPolicy@gsa.gov).