



Small Business Jobs Act (SBJA)

Government Contracting Provisions - Overview

Confidential – Discussion Document
August - 2011

On Sept. 27, 2010 – The President signed into law the Small Business Jobs Act, the most significant piece of small business legislation in over a decade. The law provides critical resources to help small businesses continue to drive economic recovery and create jobs.

Today's informational brief will review the 19 provisions directly affecting government contracting.

Multiple Award Contract Set-Asides

- Authorizes SBA to create regs to set-aside part or parts of MACs and/or subsequent task orders for SBs

Bundling Accountability

- FAR amend regs to reduce overall contract bundling
- Agencies must publish on their websites rationale for bundling

Consolidation of Contract Requirements

- Requires acquisitions officers seeking to consolidate contracts >2M to identify alternative approaches to determine if consolidation is necessary

Presumption of Loss due to Misrepresentation

- Act established dollar for dollar loss if firm misrepresents themselves as small
- SBA must create regs to protect against unintentional errors

Annual Certification of Business Size

- Requires annual certification of size and status through ORCA

Policy on Prosecution of Size/Status Fraud

- w/in 1 year SBA must issue a govt-wide policy on prosecution of size and status fraud which will be published on Agency websites

Small Business Teaming Pilot

- 5 year pilot in which SBA will make grants to organizations to provide assistance in forming teams of SBs to compete for larger procurements

Subcontracting Misrepresentations

- SBA and OFPP to develop regs that will establish a policy on subk compliance and oversight

Subcontracting Improvements

- Mitigates “bait & switch”
- Requires prime contractors to utilize subs used in preparing bid/proposal

Payment of Subcontractors

- Primes must notify the KO when they reduce a payment to a sub or if they are more than 90 days late in paying a sub
- KOs must consider payment history when evaluating Prime's past performance

ePCR Pilot Program

- w/in 1 year SBA must implement a 3 yr pilot ePCR program
- This pilot's main objective is to utilize technology to support SBA's PCR's allowing us to review a greater number of procurements to ID SB opp.

Mentor Protégé Programs

- Authorizes SBA to establish MPPs for SDVOSB, WOSB and HZ firms

Updated Size Standards Cycle

- Requires review of 1/3 of the established size stds every 18 months ensuring that each standard is updated at least every 5 years

Micro Purchase Analysis Guidelines

- Authorizes OMB and GSA to create regs guiding the analysis of purchase cards to measure SB participation in micro-purchases

Agency Accountability Goal Communication

- Requires senior personnel of each agency to communicate to the agency's subordinates the importance of achieving SB goals

SB Contracting Training

- FAI, OFPP, DAU, and SBA shall develop courses concerning SB programs

SB Program Parity

- Clarifies that all SB programs are of equal standing.

Repeal of Comp Demo

- Repeals the competitiveness demonstration program, a 10 year pilot that eliminated SB set-asides in 11 industries if SBs were already receiving a certain % of contracts

SB Program Parity

- Section 1347
- Clarifies that the Small Business Act does not limit a contacting officer's discretion when deciding to award a federal contract to a small business participating in any restricted competition programs, including the 8a, WOSB, SDVOSB or HZ programs
- Effective in the FAR 3/16/2011

Repeal of Comp Demo

- Section 1335
- Repeals the competitiveness demonstration program, a multi-year pilot that eliminated SB set-asides in 11 industries if SBs were already receiving a certain % of contract
- Effective in the FAR 1/31/2011

PCR Report

- Section 1312
- No later than 90 days after enactment and every three years thereafter: report to House and Senate committees on description of activities performed by PCR and CMRs, quantity, location, and rationale for physical placement and buying activity coverage.
- SBA submitted report to Congress 12/23/2010

SBJA Provision	Implementation Vehicle
Parity	Reg
Repeal of Comp Demo Program	Reg
MAC: small business set-asides	Reg
Bundling Accountability	Reg
Annual Certification of Business Size for ORCA	Reg
Policy on Prosecutions of size and status fraud	Policy Letter
Subcontracting Misrepresentations	Reg
Payment of Subcontractors: SubK payments and timeliness of payments	Reg
EPCR 3-year pilot	Pilot
SB Contracting Training	Training Course
Updated Size Standards Cycle (1/3 in 18 mo - 5 years, all on a rolling basis)	Reg
Consolidation of Contract Requirements	Reg
Presumption of Loss/Misrep	Reg
Small Business Teams Pilot (5-yrs, Grants)	Pilot
Subcontracting Improvements: SubK Plan Compliance (bait & switch)	Reg
Mentor Protégé for WOSB, HZ and SDVOSB	Reg
Micro-Purchase Guidelines	Guidance
Agency Accountability: Agency goal communication	Guidance

Questions?