

U. S. Small Business Administration

Fiscal Year 2011 Surveillance Review Preparation Checklist & Request for Information

Instructions

Please submit the following information and documentation in a binder in the same order it appears on this checklist.

1a. Supply a printout of all Contract Action Reports (CAR) submitted to FPDS-NG of more than \$100,000, indicating contract number, award amount, contractor name and business size, type of action, NAICS code, synopsis code, type of set-aside and subcontracting plan information, for FY 2007 through FY 2011 to date.

b. Supply a listing of any contracts, task orders, deliver orders or other awards made using American Recovery and Reinvestment Act of 2009 (the Recovery Act) funds.

2. Also supply the following information for the same fiscal years as noted above:

b. A list of contracts terminated for default or convenience.

c. A list of contracts for which contract administration functions has been retained in-house.

d. A list of GAO, Board of Contract Appeals, and direct protests to the agency/command, noting the name of the protesting firm, the solicitation/contract number, the reference number (e.g. GAO file number), and, the status of the protest (dismissed, denied in whole or part, open).

e. An Organization Chart.

General Information

Please complete this sheet and use as a cover page in your binder.

Name of Contracting Activity:

Mailing Address:

Physical Address (if different):

City, State, Zip:

Contracting Activity Web site:

Mission:

Typical Products/Services Acquired:

HCA:

Phone:

Email:

Director of Contracting:

Phone:

Email:

Small Business Specialist:

Phone:

Email:

Small Business Technical Advisor:

Phone:

Email:

FOIA Officer:

Phone:

Email:

Credit Card Coordinator:

Phone:

Email

Recovery Act Coordinator:
 Phone:
 Email:

I. Overview of Small Business Awards

FY2007 Total (\$000) SB SDB 8(a) WOSB HUBZone SDVOSB

Goals:
 Actual:
 % Achieved:

FY2008 Total (\$000) SB SDB 8(a) WOSB HUBZone SDVOSB

Goals:
 Actual:
 % Achieved:

FY2009 Total (\$000) SB SDB 8(a) WOSB HUBZone SDVOSB

Goals:
 Actual:
 % Achieved:

FY2010 Total (\$000) SB SDB 8(a) WOSB HUBZone SDVOSB

Goals:
 Actual:
 % Achieved:

FY2011
to date Total (\$000) SB SDB 8(a) WOSB HUBZone SDVOSB

Goals:
 Actual:
 % Achieved:

Discuss your plans to increase awards in any category (e.g., special initiative targeting WOSBs for SAP acquisitions, or efforts to identify Veteran Owned Small Businesses.)

II. Background & Management of the Small Business Program

1. Does the contracting activity have a small business specialist formally appointed by an appropriate authority (e.g., OSDBU or HCA)? Provide a copy of the appointment document.

2. Does the small business specialist report directly to the appointing authority or their Deputy for Small Business?

3. Is the HCA active in implementing an effective small business program? Please describe.

4. Does the PCR have access to all reasonably obtainable contract information within their security clearance?

American Recovery and Reinvestment Act of 2009 (the Recovery Act)

5. The Recovery Act and OMB's Implementing Guidance required agencies when planning awards under the Recovery Act, to maximize opportunities for small businesses to compete for agency contracts and to participate as subcontractors (Ref: Section 6.1). What specific actions did your buying activity take to ensure that small businesses had "maximum opportunities" to compete for all Recovery Act contract actions? Please describe.

6. Although the Recovery Act called on agencies to maximize competition, agencies could take advantage of any authorized small business contracting program, e.g., sole-source authority for 8(a), HUBZone and SDVOSB awards. Had your buying activity issued any supplemental training/guidance to the contracting staff advising/reminding them of this authority? (Ref: Section 6.1(6). Please describe.

7. Although contract financing is not a normal practice in commercial item fixed-price contracting, the OMB guidance recommends that contracting officers consider contract financing to include structuring line items to allow invoicing and payments based upon interim or partial deliverables, milestones, percent-of-completion, etc., to assist business with cash flow issues in a tight credit market. Has your buying office provided small businesses with contract financing flexibilities to assist them with cash flow? (Ref: Section 6.1(9). Please describe.

8. The Recovery Act has unique requirements for posting of pre-solicitation notices and contract award announcements (Ref: Section 6.2). Did your buying office published any pre-solicitation and/or award notices in FedBizOpps? If so, please provide a listing identifying solicitation and/or contract award number(s) and publication dated in FedBizOpps.

9. Did your buying office received or requested additional staff resources to carryout contracting responsibilities under the Recovery Act? If so, how many additional staff resources had been approved/brought on-board? (Ref: Section 6.6)

10. Did your buying office designated an individual to oversee your office's compliance with the Recovery Act? (If so, please indicate above in the General Information section).

III. Regulatory Compliance

A. Acquisition Planning

1. Discuss the method and effectiveness of any advance procurement planning as it relates to small business. Are all pre-solicitation documents available to your small business specialist to assist you in procurement planning?

2. Describe how your activity's contracting officers make every reasonable effort to solicit additional small business sources, including all sub-categories. Describe your market research methods and practices. Include whether and how the contracting activity uses Dynamic Small Business Search in accomplishing market research and source identification.

3. Are requirements divided into reasonably small lots to permit offers on less than the total requirement? If not, what action do you take?

4. Are solicitations structured to allow more than one small business to satisfy the requirement? If not, what action do you take?

5. Are delivery schedules reasonable? If not, what action do you take?

6. Briefly describe how your activity complies with the acquisition guidance regarding “bundling”. Do you ensure that bundling requirements are referred to the PCR at least 30 days prior to issuance of the solicitation? Does the file contain the HCA’s required market research justifying any proposed bundles; including the measurable benefit analysis required by FAR 7.107? If not, why?

7. Provide a listing of all bundled or consolidated requirements over \$1 million procured prior to the scope of this Surveillance Review and solicited during the scope of this review. Include the re-competes of previously bundled requirements. Provide previous procurement history, dates of awards, contract numbers, dollar amounts and names of awardees.

8. Describe the efforts taken to mitigate the negative impact on small business as a result of the bundling.

9. Are subcontracting plans considered as an evaluation factor (e.g., formal source selection procedures for large acquisitions)? If not, why not? Are small businesses required to submit subcontracting plans or comply with past performance evaluations related to subcontracting performance?

Acquisition Review and Implementation of the Small Business Programs

10. How are small business program goals established (e.g., assigned by Headquarters), and are they reasonable and attainable?

11. How often are goals briefed to contracting officers and specialists? How often are small business goals and programs briefed to your technical personnel? Please give dates.

12. How is the small business program promoted? Provide examples.

13. Are all actions requiring small business specialist and/or PCR review documented with a small business coordination record (e.g., DD Form 2579, or Agency equivalent, for new actions and all appropriate contract modifications)?

14. Are contracting officers' decisions not to set-aside requirements for small business adequately documented and reasonable (e.g., in view of procurement history, market survey, known sources), giving consideration to the recommendations of Agency personnel who have cognizance of the buying activity's small business programs? Provide your procedure to ensure that non-set-asides are being properly considered and documented.

15. Are all small business specialist and PCR/8(a) recommendations resolved appropriately (e.g., through the FAR process which allows a PCR to appeal or the 8(a) Division to appeal? Please list recent formal or informal appeals and resolution. SBA appeal process)? List recent formal or informal appeals and resolution. When selecting the 8(a) program for a particular procurement, are contracting officers complying with the requirements of FAR 19.8 and/or specific Partnership Agreement, including providing notification to SBA as applicable."

16. Are contracting officers reluctant to unilaterally set-aside requirements for small business? If yes, please describe. If there is an unusually high number of small business specialist or PCR set-aside recommendations, please describe.

17. Do contracting officers consider 8(a), HUBZone, and Service Disabled Veteran Owned Small Business contractors when processing requirements? Describe the process and define how the firms are considered.

18. Do contracting officers using GSA Schedules for awards notify the PCR and/or Small Business Specialists? Do contracting officers attempt to include at least one small business when obtaining quotes? Provide five examples of when your agency used GSA's best value on behalf of small business as authorized by GSA Acquisition Letter V-05-12 as amended (socio-economic programs under schedule). Were large businesses allowed to bid and did they win?

Publicizing Contract Actions & Use of FedBizOpps

19. Are solicitations available on the Internet? What posting sites are used?

20. Does the contracting activity routinely use FedBizOpps (e.g., to perform a market survey, synopsise a solicitation, publicize a contract award)? Please describe and provide examples.

21. Does the synopsis appear within the required time frame?

22. Do solicitations normally allow offerors the required response time to submit bids or proposals? If not, why not?

23. Describe under what circumstances a small business would be denied a copy of a solicitation or otherwise denied an opportunity for participation in an acquisition?

B. Subcontracting Program Issues

1. Do contracting officers obtain advisory comments from the small business specialist and PCR for subcontracting plans? Please describe process.
2. Subcontracting plans are required to be formally incorporated into the contract? Please provide 3 - 5 examples.
3. Are copies of subcontracting plans sent to the cognizant contract administrative office (e.g., DCMA) and SBA Area Office? If not, why not?
4. If contract administrative functions are retained in-house, are prime contractors monitored for compliance with their subcontracting plans? Please describe.
5. When was training on compliance with the subcontracting program last presented?

C. Other Small Business Program Issues

Responsibility Issues & Certificates of Competency

1. What is your activity's procedure or guidance to ensure that small business responsibility issues are referred to SBA for Certificates of Competency (COCs) as appropriate? Provide examples.

2. Compliance with previous subcontracting plans is a factor in determining an offeror's responsibility? Please provide five examples to include contract number and company name so that SBA can verify the documentation that consideration has been provided.

Protests & Size Challenges/Issues

3. How does your activity ensure that the proper NAICS code and size standard are included in the solicitation? Provide several examples.

4. Does your activity issue pre-award notifications of awardee for small business set-asides to allow offerors the opportunity to submit a size challenge? Provide an example.

5. Do contracting officers promptly refer size, NAICS code and socio-economic challenges to SBA? Please describe the process.

Miscellaneous Small Business Issues

6. What do your managers do to ensure that contracting and technical personnel maintain knowledge of small business program requirements (e.g., formal training, in-house seminars)?

7. Do technical advisors provide appropriate assistance to the PCR? Please describe.

8. What does the contracting activity do to enhance opportunities for small business to participate in its acquisition process (e.g., outreach efforts, procurement fairs)?

9. How does the contracting activity assess its small business program (e.g., internal management reviews, etc.)? Please describe.

10. How does higher-level management evaluate your small business program (e.g., Headquarters office)? Please describe.

11. Discuss any special initiatives (e.g., in-house training, industry outreach).

12. Are copies of “show cause letters” and “cure notices” sent to the small business specialist and appropriate SBA offices?

FAR Clauses & Provisions

13. How do you ensure that all appropriate small business clauses are included in all solicitations?

14. ORCA is the official Certification and Representations for small business concerns. Are contracting officers verifying and printing a copy for the file or are they asking for a hard copy of 52.219-1 or 52.204.1? The Central Contractors Registration (CCR) is not the official representation. Are contracting officers placing a copy of a CCR printout as an official certification?