



12/22/2023

GSA Office of Governmentwide Policy

Acquisition Letter MV-2023-07

MEMORANDUM FOR: ALL GSA CONTRACTING ACTIVITIES

FROM:

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SENIOR PROCUREMENT EXECUTIVE
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SUBJECT:

GSA Form 2689 Flexibilities

1. Purpose.

This acquisition letter (AL) removes unnecessary work by making clear the set of circumstances in which the GSA Form 2689 *Small Business Analysis Record is not required*. The identified circumstances are use of mandatory sources such as AbilityOne and Federal Prison Industries, use of the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs, and use of other than full and open competition under FAR 6.302-1 through 6.302-7.

2. Background.

General Services Administration Acquisition Manual (GSAM) 519.502-70 currently requires contracting officers (COs) to complete GSA Form 2689 *Small Business Analysis Record* to document evidence that small businesses and socioeconomic small businesses were given consideration and received maximum practicable opportunity to participate for proposed acquisitions.

This requirement does not apply to use of mandatory sources reflecting specific statutory direction from Congress. GSA has long recognized that because COs don't have discretion on use of a mandatory source, requiring them to fill out the 2689 form and requiring the Office of Small and Disadvantaged Business Utilization (OSDBU) to review the form is not an effective use of resources.

The same reasoning applies to the award of work under the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs. The SBIR and STTR procedures are used when the government's market research has determined there is not an existing solution to meet the government's needs and new technology should be developed. Requiring the CO to fill out a 2689 form and requiring OSDBU to review it is not the most effective use of resources. This is also consistent with DoD policy on this issue¹.

Additionally, FAR 6.302-1 through 6.302-7 lists a unique set of circumstances when contracting officers are authorized to limit full and open competition. When these authorities are used (documented through a justification), either there are no other sources with whom GSA can contract, there is unusual and compelling urgency for action, or there is a compelling public policy reason dictating the selection of these sources. In these situations, requiring the CO to also fill out a 2689 form, and requiring OSDBU to review it is not the most effective use of resources.

3. Effective Date.

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

¹See 15 U.S.C. 638, AFFARS 5319.201(c)(10)(A), and NMCARS 5219.201(10)(A)(ii)

4. Exceptions.

Based on the rationale in the background section, two exceptions are added to GSAM 519.502-70(f), highlighted in **[bold brackets]** below.

Part 519 - Small Business Programs
Subpart 519.5 - Set-asides for Small Business
519.502 Setting aside acquisitions.

519.502-70 Review of non-set-aside determinations.

(f) Exceptions. The GSA Form 2689 is not required for—

(1) Acquisitions with mandatory sources (see FAR 8.002 and 8.003);

* * *

[(4) Acquisitions for other than full and open competition under FAR 6.302-1 through 6.302-7; or]

[(5) Acquisitions for SBIR/STTR requirements under 15 U.S.C. 638].

5. Point of Contact.

Any questions regarding this letter may be directed to Vernita Misidor at GSARPolicy@gsa.gov.