

GSA ORDER

Subject: General Services Administration Acquisition Manual; GSAM Case 2020-G507,
Organizational Title Change for the Office of Small Business Utilization

1. Purpose. This order transmits a revision to the General Services Administration Acquisition Manual (GSAM) to reflect an organizational title change for the Office of Small Business Utilization (OSBU).

The OSBU is retitled to the Office of Small and Disadvantaged Business Utilization (OSDBU), consistent with 15 U.S.C. § 644 (k).

2. Background. The Small Business Act requires that each Federal agency with procurement powers establish an office to implement and execute responsibilities and authorities regarding small businesses. Section 15 U.S.C. § 644 (k) of the Small Business Act specifies that this office be entitled the Office of Small and Disadvantaged Business Utilization (OSDBU).

The GSA office responsible for implementing and executing responsibilities and authorities regarding small business functions was previously referred to as the Office of Small Business Utilization (OSBU) in the GSAM. GSA Order ADM 5440.730 *Organization Title Change for the Office of Small Business Utilization* was signed by the GSA Administrator on January 15, 2020 to change the title to the Office of Small and Disadvantaged Business Utilization (OSDBU).

3. Effective date. Date of Signature.
4. Explanation of changes. This amendment incorporates technical changes to the GSAM to replace the title "Office of Small Business Utilization (OSBU)" to "Office of Small and Disadvantaged Business Utilization (OSDBU)". Other than changing the office title, no other substantive changes were made. For full text changes of the amendment see Appendix A, GSAM Text Line-In/Line-Out.

OSBU is changed to OSDBU in the following sections:

- A. 501.304 Agency control and compliance procedures.
 - 501.304(b)(3)(ii)

- B. 504.7104 Acquisitions and contract actions requiring SPE review and approval.
 - 504.7104(d)(3)
- C. 507.107 Additional requirements for acquisitions involving consolidation, bundling or substantial bundling.
 - 507.107-1(c)(1)
 - 507.107-1(c)(2)
 - 507.107-5(b)(1)
- D. 515.201 Exchanges with industry before receipt of proposals.
 - 515.201(b)
- E. 519.201 General policy.
 - 519.201(a)
 - 519.201(b)
- F. 519.502 Setting aside acquisitions.
 - 519.502-70(h)(1)
 - 519.502-70(h)(5)
 - 519.502-70(h)(6)
- G. 519.506 Withdrawing or modifying small business set-asides.
- H. 519.602 Procedures.
 - 519.602-3(a)
 - 519.602-3(b)
 - 519.602-3(c)
- I. 519.705 Responsibilities of the contracting officer under the subcontracting assistance program.
 - 519.705-2(d)
 - 519.705-2(d)(3)
 - 519.705-3(a)(1)
 - 519.705-4(g)(3)
 - 519.705-5(a)(1)(ii)
 - 519.705-5(b)
 - 519.705-5(b)(1)
 - 519.705-5(b)(1)(ii)
 - 519.705-5(b)(2)
 - 519.705-5(b)(3)
 - 519.705-5(b)(4)
 - 519.705-5(d)(2) FORMAT B
 - 519.705-6

J. 519.803 Selecting acquisitions for the 8(a) program.

- 519.803-70(a)
- 519.803-71

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ATTACHMENT A
GSAM Text, Line-In/Line-Out

GSAM Baseline: Change 106 effective 02/19/2020

- Additions to baseline made by rule are indicated by **[bold text in brackets]**
- Deletions to baseline made by rule are indicated by ~~strikethroughs~~
- Five asterisks (* * * * *) indicate that there are no revisions between the preceding and following sections
- Three asterisks (* * *) indicate that there are revisions between the material shown within a subsection

PART 501 GENERAL SERVICES ADMINISTRATION ACQUISITION REGULATION SYSTEM

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Subpart 501.3 Agency Acquisition Regulations

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501.304 Agency control and compliance procedures.

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(b) *Business case.* When publication in the Federal Register or a change to the GSAM is identified by a contracting activity, the HCA shall develop and submit a business case to the SPE for review and approval. The business case shall include, at a minimum, the following information—

- (1) The name of the Service (e.g., PBS) and, if applicable, the contracting activity requesting the change;
- (2) The rationale supporting the need, including a—
 - (i) Description of the problem or matter to be addressed; and
 - (ii) Discussion of the benefit to the agency and/or organization.
- (3) A discussion of the effect, if any, on GSA's internal operating procedures, including an analysis of any impact on the following—
 - (i) The acquisition workforce;
 - (ii) Another office within GSA (e.g., FAS, PBS, ~~OSBU~~ **[OSDBU]**, OIG); or
 - (iii) Automated systems (i.e., financial and procurement).

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PART 504 ADMINISTRATIVE MATTERS

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Subpart 504.71 Acquisition Reviews

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504.7104 Acquisitions and contract actions requiring SPE review and approval.

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(d) Participants. Acquisition reviews involving the SPE are to include key members of the acquisition team as well as the following participants:

(1) SPE or authorized designee;

(2) Head of the contracting activity or authorized designee;

(3) ~~Office of Small Business Utilization~~ [**Office of Small and Disadvantaged Business Utilization**]; and

(4) Other key stakeholders (e.g., GSA Office of Information Technology for GSA-funded technology acquisitions).

PART 507 ACQUISITION PLANNING

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Subpart 507.1 - Acquisition Plans

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507.107 Additional requirements for acquisitions involving consolidation, bundling, or substantial bundling

507.107-1 General.

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(c) *Approvals for Written Determination.*

(1) The contracting officer shall obtain approvals as required by the Service prior to the Associate Administrator, ~~Office of Small Business Utilization (AA OSBU)~~ [**Office of Small and Disadvantaged Business Utilization (AA OSDBU)**] and the Senior Procurement Executive (SPE).

(2) The contracting officer shall coordinate with the GSA ~~Office of Small Business Utilization (OSBU)~~ [**Office of Small and Disadvantaged Business Utilization**] for AA OSBU's [**OSDBU's**] approval prior to the SPE's approval.

(3) Review and approval guidance can be found on the GSA Acquisition Portal (<http://insite.gsa.gov/consolidationbundling/approvals>).

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507.107-5 Notifications.

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(b) Notification to SBA of follow-on consolidated or bundled requirements.

(1) The contracting officer shall coordinate with the designated SBTA (see [519.4](#)) to provide follow-on notification to the SBA PCR in accordance with FAR 7.107-5(c). The designated SBTA will provide notification to the ~~AA OSBU~~ [**AA OSDBU**].

(2) The SBTA will submit the notification to SBA PCR within 5 business days of receiving the notification from the contracting officer or request an extension from the contracting officer.

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PART 515 CONTRACT BY NEGOTIATION

Subpart 515.2 Solicitation and Receipt of Proposals and Information

515.201 Exchanges with industry before receipt of proposals.

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(b) The contracting officer should partner with representatives of the ~~Office of Small Business Utilization (OSBU)~~ **[Office of Small and Disadvantaged Business Utilization (OSDBU)]** to structure opportunities for communicating and collaborating with industry.

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PART 519 SMALL BUSINESS PROGRAMS

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Subpart 519.2 Policies

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519.201 General Policy

~~(a) The Associate Administrator, Office of Small Business Utilization (AA OSBU) is the Director of Small and Disadvantaged Business Utilization in GSA.~~

[(a) The Director of the Small and Disadvantaged Business Utilization is known in GSA as the Associate Administrator, Office of Small and Disadvantaged Business Utilization (AA OSDBU).]

(b) The AA ~~OSBU~~ **[OSDBU]** delegates duties to Small Business Technical Advisors (SBTAs) for each region through written appointment. All references to SBTA in this part refer to the SBTA designated to support his/her service or region, whichever is applicable.

(c) Contracting officers shall work with the designated SBTA for their region or service.

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Subpart 519.5 Set-asides for Small Business

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519.502 Setting aside acquisitions.

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519.502-70 Review of non set-aside determinations.

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(h) *GSA Form 2689 Concurrence and Time-frames.*

(1) Use the guidance in paragraphs (c) through (g) to determine if a GSA Form 2689 is required. If a GSA Form 2689 is required, then follow the dollar value thresholds in the table below to determine the level of concurrence for the form.

Thresholds	SBTA Concurrence	SBA PCR Concurrence	AA OSBU [OSDBU] Concurrence	Review Time-frame
Less than SAT	Not Required, unless an exception in 519.502-70(h)(2) applies	Not Required, unless an exception in 519.502-70(h)(2) applies	Not Required, unless an exception in 519.502-70(h)(2) applies	Not Applicable
Equal to or greater than SAT and less than \$50M	Required	Required	Not Required, unless an exception in 519.502-70(h)(2) applies	Within 5 business days following the day of receipt
Equal to or greater than \$50M	Required	Required	Required	Within 10 business days following the day of receipt (i.e. 5 business days total for the SBTA and SBA PCR and 5 business days for AA OSBU [OSDBU])

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(5) If a response is not received from the SBA PCR, the SBTA must elevate within OSBU [OSDBU] for resolution at [osbu \[osdbu\]_review_concurrence@gsa.gov](mailto:osbu_osdbu_review_concurrence@gsa.gov).

(6) If the contracting officer does not receive a response from the SBTA within the established time-frames and the SBTA has been unresponsive to the contracting officer's inquiries, the contracting officer should elevate within OSBU [OSDBU] for resolution at [osbu \[osdbu\]_review_concurrence@gsa.gov](mailto:osbu_osdbu_review_concurrence@gsa.gov).

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519.506 Withdrawing or modifying small business set-asides.

If the contracting officer and the SBTA disagree over the withdrawal or modification of a set-aside, the SBTA must notify the AAOSBU [AA OSDBU] at the same time the matter is referred to the SBA PCR.

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Subpart 519.6 Certificates of Competency and Determinations of Responsibility

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519.602 Procedures.

519.602-3 Resolving differences between the agency and the Small Business Administration.

(a) Within 5 business days after requesting the SBA Area Office to refer an intention to issue a Certificate of Competency to SBA Headquarters for review, the contracting officer shall forward the information in paragraphs (a)(1) and (a)(2) of this subsection to the AAOSBU [AA OSDBU] through your designated SBTA. This period may be extended by mutual agreement.

(1) Copies of all correspondence between GSA and SBA concerning the case. Include the initial referral notice of nonresponsibility.

(2) Copies of all technical documents sent to SBA (for example, the solicitation, preaward surveys, or any abstract of offers). Include any new information and a justification of the contracting officer's decision to continue the appeal.

(b) After considering all the facts and conferring with the contracting officer, the AAOSBU [AA OSDBU] will decide whether or not to file a formal appeal. Before deciding whether or not to appeal, the AAOSBU [AA OSDBU] must notify the contracting officer.

(c) For decisions on cases over \$25,000,000, the AAOSBU [AA OSDBU] shall confer with the contracting activity before responding to SBA regarding either of the options in FAR 19.602-3(b)(1)(i) and (ii).

Subpart 519.7 The Small Business Subcontracting Program

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519.705 Responsibilities of the contracting officer under the subcontracting assistance program.

519.705-2 Determining the need for a subcontracting plan

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(d) Notify the AAOSBU [AA OSDBU] after receipt of offers if the contracting officer determines that an apparent successful offeror's proposal has no subcontracting opportunities.

(1) Coordinate the notice through the contracting officer's SBTA.

(2) Include justification documenting the rationale behind a determination of no subcontracting opportunities. The contracting officer may use the justification provided by the apparent successful offeror

(3) Obtain ~~AAOSBU~~ **[AA OSDBU]** concurrence on the determination prior to contract award.

519.705-3 Preparing the solicitation.

(a) If an acquisition, excluding any multiple award schedule contract, will cover two or more Regions and is estimated to exceed \$50 million (including options):

(1) In addition to the SBA PCR, the contracting officer shall provide the SBTA and ~~OSBU~~ **[OSDBU]** a reasonable period of time (approximately 10 days) to review any solicitation requiring submission of a subcontracting plan and to submit advisory findings before issuing the solicitation. The contracting officer shall ensure that evaluation criteria contained in the solicitation do not unnecessarily limit subcontracting opportunities for small, HUBZone small, small disadvantaged, women-owned small, veteran-owned, and service-disabled veteran-owned small business concerns.

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519.705-4 Reviewing the subcontracting plan.

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(g) The contracting officer shall develop a strategy for negotiating the subcontracting plan and goals just as you would for negotiating a contract. Be forceful in negotiating the subcontracting plan and, whenever possible, offer recommendations for subcontracting potential with small, HUBZone small, small disadvantaged, women-owned small, veteran-owned, and service-disabled veteran-owned small business concerns. The contracting officer should suggest organizations the offeror may contact to identify potential sources. For example, offerors may contact any of the following:

(1) Local SBA offices. These can provide an offeror assistance in accessing the System for Award Management (SAM) (www.sam.gov) database to conduct market research and confirm the eligibility for SBA's procurement preference programs.

(2) Department of Commerce, Minority Business Development Agencies (MBDAs) at <http://www.mbda.gov>.

(3) GSA SBUCs and SBTAs, as well as ~~OSBU~~ **[OSDBU]**.

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519.705-5 Awards involving subcontracting plans.

(a) Subcontracting plans requiring SBTA and SBA PCR review.

(1) For each contract that requires a subcontracting plan, the contracting officer will submit electronically the apparent successful offeror's subcontracting plan to the SBTA who will coordinate review by the SBA PCR. When the contracting officer makes multiple awards under a solicitation, electronically submit the subcontracting plans of all apparent successful offerors.

(i) Except as noted in paragraph (b) of this section, provide the SBTA an electronic copy of the plan at least 5 workdays before the anticipated award date.

(ii) Consider any recommendations the SBTA or SBA PCR provides about whether to accept or reject a subcontracting plan. In the case of an unresolved disagreement, notify the AAOSBU [AA OSDBU] and consider any subsequent advice the AAOSBU [AA OSDBU] provides. Document the final decision in the contract file.

(iii) If the contracting officer does not receive review comments from the SBTA within 5 workdays, the contracting officer shall document the file and continue with the award process (see FAR 19.705-5(a)(3)).

(b) Subcontracting plans requiring AAOSBU [AA OSDBU] review.

(1) The AAOSBU [AA OSDBU] (through the contracting officer's designated SBTA or Regional SBUC) will review the SBTA's and SBA PCR's recommendations for contracts that meet either of these conditions:

(i) Contract performance will occur in two or more Regions and the estimated value of the acquisition exceeds \$50 million (including options), excluding multiple award schedule contracts.

(ii) Based on political sensitivity or importance to GSA, the AAOSBU [AA OSDBU] designates the procurement for review.

(2) The contracting officer shall provide the SBTA an electronic copy of the plan at least 10 days before the anticipated award date. The SBTA and SBA PCR have 5 workdays to review and comment on the plan, and the AAOSBU [AA OSDBU] (through the contracting officer's designated SBTA or Regional SBUC) has 5 workdays to review their recommendations and respond. All reviews must be completed in 10 work days unless the contracting officer grants an extension.

(3) The contracting officer shall consider any recommendations the SBTA, SBA PCR, or AAOSBU [AA OSDBU] provides about whether to accept or reject a subcontracting plan. Document the final decision in the contract file.

(4) If the contracting officer does not receive review comments from the SBTA (inclusive of AAOSBU [AA OSDBU] review) within 10 workdays, the contracting officer shall document the file and continue with the award process (see FAR 19.705-5(a)(3)).

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(d) *Notification letter for commercial plans.*

(1) The contracting officer shall approve the commercial plan as part of the award. After approval of a commercial plan, using FORMAT B in paragraph (d) of this section, electronically send a notification letter to the contractor informing them of requirements and due dates for submitting the SSR via eSRS and confirm the subcontracting plan effective dates and when a new or updated plan will be required.

(2) Send the letter with the award package or as soon as practicable after award.

FORMAT B

Name Address City, State, Zip Code

Re: Approved Subcontracting Plan and Required Reports for Contract

No. _____:

Dear _____:

Your commercial plan, submitted in connection with the subject contract has been approved for the period of [insert MM/DD/YY through MM/DD/YY], by [insert name, address, and telephone number of approving official]. You must submit your Summary Subcontract Report (SSR) via eSRS. The SSR is an annual report due on or before October 30th of each year. The reporting period is October 1-September 30, *i.e.*, the Government fiscal year. The report should summarize subcontracting activity under all contracts awarded during the current fiscal year that are covered by this commercial plan.

If at any time during contract performance you are unable to identify capable small, HUBZone small, small disadvantaged, women-owned small, veteran-owned small and service-disabled veteran-owned small business concerns, please contact your local Small Business Technical Advisor your local Small Business Technical Advisor found at <https://insite.gsa.gov/osbucontacts> or the ~~Office of Small Business Utilization~~ **[Office of Small and Disadvantaged Business Utilization]** by telephone at (202) 501-1021.

In addition, please include the SBA Commercial Market Representative (CMR) in the email distribution on the SSR in eSRS, [insert email address of contracting office administering the contract].

Sincerely,

Contracting Officer.

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519.705-6 Postaward responsibilities of the contracting officer.

In addition to responsibilities described in FAR 19.705-6, the contracting officer must give the SBA Area Director, SBTA and OSBU **[OSDBU]** a copy of the notice of award and the successful offeror's subcontracting plan within five work days of contract award or contract modification when applicable. The notice of award must contain all the following:

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Subpart 519.8 Contracting With the Small Business Administration (The 8(a) Program)

519.803 Selecting acquisitions for the 8(a) program.

519.803-70 Contracting officer evaluation of recommendations for 8(a) set-asides(s).

(a) If the contracting officer disagrees with a recommendation by the ~~AAOSBU~~ **[AA OSDBU]** or the SBTA to set aside a procurement for award under the 8(a) program, discuss the matter with the official who made the recommendation.

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519.803-71 Withdrawing or modifying 8(a) set-asides.

If the contracting officer and the SBTA disagree over the withdrawal or modification of a set-aside, the SBTA must notify the ~~AAOSBU~~ **[AA OSDBU]** at the same time the matter is referred to the SBA PCR.

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