

Office of Acquisition and Property Management

September 8, 2004

Department of the Interior Acquisition Policy Release (DIAPR) 2004-08

SUBJECT: Expired Small Business Programs

1. *Purpose:*

To authorize deviation from Federal Acquisition Regulation 19.9 and 9.11.

2. *Effective Date:*

Upon signature.

3. *Expiration:*

Upon issuance of a pertinent FAR change.

4. *Background and Explanation:*

The Very Small Business Program was created as a government-wide pilot program by Public Law 103-403, and implemented in FAR 19.9. The program's authorization expired on June 5, 2004. Therefore, until further notice, contracting officers should conduct procurements as if the instructions at FAR 19.9 and the clause at FAR 52.219-5 had been deleted. The Small Business Administration would like the program to be reauthorized and Congressional deliberations are underway. The FAR will not be revised until the issue has been decided definitively by Congress.

Section 7102 of Public Law 103-355 authorized civilian agencies to apply a price evaluation adjustment to benefit Small Disadvantaged Businesses, and was implemented in FAR 19.11. This authority also expired on June 5, 2004. Therefore, until further notice, contracting officers should conduct procurements as if the instructions at FAR 19.11 and the clause at FAR 52.219-23 had been deleted. Please note that the corresponding authority for the Department of Defense, Coast Guard and the National Aeronautics and Space Administration did not expire; this may cause some difficulty when contracting on behalf of these agencies. As before, SBA is working with Congress to reauthorize this provision of law, so the FAR will not be revised until some resolution is reached.

5. *Action Required:*

Conduct procurements as if FAR 19.9, 19.11, 52.219-5, and 52.219-23 had been removed from the FAR.

Please disseminate this guidance within your bureau. You may contact Ms. Dee Emmerich of this office on (202) 208-3348 with any questions.

Debra E. Sonderman, Director
Office of Acquisition and Property Management