



U.S. Department of Veterans Affairs Office of Small and Disadvantaged Business Utilization *Small Business AdVocAte*

Notes From Scott...



Scott F. Denniston
Director, VA OSDBU

I hope this issue of the [VA Small Business AdVocAte](#) finds everyone doing well. Fiscal Year 2009 begins with the opportunity to build on the continued success of VA's small business programs, especially for service-disabled veteran-owned small business (SDVOSB) and veteran-owned small business (VOSB).

This edition includes an article written in response to a question submitted by VA procurement staff. The article, *VA's Veteran-Owned Small Business Verification Program Quick and Easy Guidance*, is an example of OSDBU's commitment to provide timely, accurate information regarding VA's small business programs, and our support of the agency's procurement workforce. This article can be found on page 2 of this edition. Procurement staff also led our office to investigate the ramifications of a recent court decision against a small business award.

In *United States Court of Appeals for*

the Federal Circuit (2008-1017) Rothe Development Corporation, v. Department of Defense and Department of the Air Force, the court threw out a law establishing a 5 percent goal for awarding defense contracts to small disadvantaged businesses (SDB), companies owned by socially and economically disadvantaged individuals as identified by U.S. Small Business Administration (SBA).

SBA's Office of Litigation is currently reviewing the decision, but until further notice, this ruling has no effect on any of VA's small business programs, or socioeconomic goals. It is important to note that SBA believes this decision was narrowly tailored to the Air Force, and it has no effect on civilian agencies' small business programs. For the January AdVocAte newsletter, please submit your article suggestions by e-mail to wayne.berry@va.gov.

FY 2009 will be one of significant change government wide, and OSDBU is no exception.

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Forecast of Contracting Opportunities Updates

By: **Linda Sitney, Small Business Specialist**

The U.S. Department of Veterans Affairs (VA) Forecast of Contracting Opportunities (FCO) for Fiscal Year (FY) 2009 was published on October 1, 2008. I would like to thank all of the contracting activities that have entered their projected contracting needs for FY 2009 in the system. I would like to encourage the contracting activities that have not completed their input into the system to do so as soon as possible.

Title V of Public Law 100-565, the Business Opportunities Development Reform Act of 1988, requires agencies with an annual

procurement budget of \$50 million or greater to publish an FCO.

VA seeks to publish a robust forecast to assist the small business community, particularly service disabled veteran-owned and veteran-owned small businesses, in maximum practicable participation in contracts awarded by VA and in subcontracts awarded by VA's prime contractors.

The Office of Federal Procurement Policy (OFPP) further requires the forecast be published on the internet as soon as possible in order to give vendors advance notification of procurement opportunities in the upcoming fiscal year.

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Remembering Those Who Served

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VA requires the FCO to be published on the first day of the fiscal year (October 1st). VA frequently receives complaints from small businesses that the FCO is not current and complete, contending that many opportunities are never shown. Empirical data support the contention of these small businesses. In 2006, the House Small Business Committee described VA's FCO as "weak". VA seeks to publish a robust forecast to assist the small business community, particularly service disabled veteran-owned and veteran-owned small businesses, in maximum practicable participation in contracts awarded by VA and in subcontracts awarded by VA's prime contractors.

In order to ensure updates to the FCO are made when necessary, as of June 1, 2006, the Office of Small and Disadvantaged Business Utilization (OSDBU) no longer approves VA forms 2268 (Procurement Request Review for the Small Business Program and Contract Bundling) submitted for requirements not contained in the FCO. Exceptions to this requirement are annotated in the List of Exempted Items from Bundling Reviews Memorandum from the OSDBU Director dated September 11, 2008 (WebCIMS #412746).

We enlist the help of all of VA's contracting activities in this effort. We thank you in advance for your assistance in making the FY 2009 FCO the best ever.

For more information regarding this article, please contact Linda Sitney by e-mail at linda.sitney@va.gov.

VA's Veteran-Owned Small Business Verification Program Quick and Easy Guidance

By: Gail Wegner, Deputy Director, Center for Veterans Enterprise

Are you receiving questions from businesses about VA's Veteran-owned Small Business Verification Program? If so, we in the Center for Veterans Enterprise (CVE) are happy to hear that word's getting around. In CVE, we have not yet publicly announced the Verification Program to owners in our database.

We do discuss it at conferences we attend. We answer phone calls about it. Owners who visit our Web site know about the program as well. We plan to issue a notice to owners in the database as soon as our online application is approved for posting to VA's public internet site.

The following is for small business specialists receiving questions regarding this program.

What is the status of VA's Verification Program?

VA began receiving applications for the Verification Program on May 19 when our Interim Final Rule was

published in the *Federal Register*. On a limited basis, we are accepting application forms using secure electronic facsimile transmission. We encourage owners to wait until we post the application form to the database and begin online processing.

These early applications are providing CVE staff the opportunity to test and refine internal operating procedures so that when the online application is released, our staff will be fully trained and ready to process the expected volume efficiently and accurately. Because of the volume of applications that we anticipate receiving, we are also acquiring contractor support to supplement our staff.

What are the steps for verification?

Owners must register their business in the VetBiz.gov Vendor Information Pages (VIP) database and follow the choice buttons. Owners may continue to self-represent their status or they may elect to file VA Form 0877, allowing CVE staff permission to access their personally identifiable information and examine ownership and control documents.

Once approved, businesses receive their official letter and rights to use the CVE-verified logo on marketing materials. It may become a common sight to see owners and representatives wearing lapel pins which are available for purchase from VA's Canteen Service.

How many companies have been verified?

All businesses in the VIP database must affirmatively answer the eligibility questions:

- Do you meet the eligibility criteria to declare yourself a veteran?
- Do you meet the eligibility criteria to declare the business to be veteran-owned?
- Do you meet the eligibility criteria to declare yourself a service-disabled veteran?
- Do you meet the eligibility criteria to declare the business to be service-disabled veteran-owned?
- Does the business meet eligibility criteria to qualify as a small business concern for each North American Industry Classification Code that you report?

The Central Contractor Registration does not require owners to answer these eligibility questions before their registration is posted. Our database requires owners to answer these questions before their profile is posted. There is a caution to owners on the Web page concerning penalties for filing false statements.

VA takes the integrity of companies in our database very seriously. CVE is officially examining ownership and control records under VA's formal Verification Program. To date, more than 200 companies have been approved for the program. To locate CVE-verified businesses, use the custom search feature and click on "CVE Verified."

An alternate option is to query the database. CVE-verified companies will have the logo next to the business name on the results screen.

(See VERIFICATION, Page 3)

(SCOTT'S NOTES, From Page 1)

Please join me in congratulating the members of the OSDBU family who have moved on to promotions within VA. We wish Wayne Simpson, Deborah VanDover and Cordell Smith continued success as they start new chapters in their careers. This change in personnel has resulted in a new process to support VA's small business programs.

More information regarding these workload processes can be found on this page.

Recently, SBA's scorecard for FY 2007 rated our agency as green for each socioeconomic category. Only VA, SBA and the U.S. Department of Energy successfully met all socioeconomic goals. Congratulations! More information on VA's FY 2008 socioeconomic accomplishments can be found on Page 14 in this edition.

Please remember to update the Forecast of Contracting Opportunities (FCO) as acquisition needs are identified. We hope you will ensure your respective FCOs are updated at least monthly so that small businesses may rely on the FCO as a reliable source of information.

A current FCO prevents the need to call contracting officers and small business specialists for proposed solicitations.

Thank you for reading the November edition of the *Small Business AdVocAte*. We hope you find this publication to be an informative reference on VA small business programs.

Scott

(VERIFICATION, From page 2)

How does a contracting officer confirm verification?

Log onto VetBiz.gov. Select the link "Vendor Information Pages". Search for the business name or enter the DUNS number. Print screen the company's profile to your contract award files.

Review detailed guidance in VA Information Letter 049-07-08 dated June 19, 2007, which remains in effect.

Can firms that are not verified be used?

Yes, if the business appears in the database, contracting officers may award to that company. CVE staff may post additional articles in upcoming editions of the *Small Business AdVocAte* regarding the growth, changes and lessons learned from the Verification Program. Please feel welcome to submit new questions to the editor for future articles. We also encourage you to visit our Web portal, www.VetBiz.gov, frequently, where we will be periodically posting updates.

CVE staff can be reached at VACVE@va.gov.
Veterans in business are still serving America!

OSDBU Staffing Support

By: David A. Canada, Senior Small Business Specialist

Due to the current staffing shortages in the Office of Small Disadvantaged Business Utilization (OSDBU), we are making some temporary changes to prioritize and maximize support to the Veterans Integrated Service Networks (VISN) and other procurement activities. Coming from the acquisition community myself, I know that staffing shortage challenges are not new to the contract specialists in the field.

We are temporarily cutting back on travel to the field to provide training. Of course, we will be happy to provide training materials and to provide training via telephone or video conference.

OSDBU will be advertising for additional small business specialists in the near future. If you are interested in working in a dynamic environment and have a passion for supporting the small business goals established by the VA Secretary, please consider applying. In order to support your needs with prime contractor issues, geographic areas have been assigned to the small business specialists handling the prime contractor issues.

The assignments are as follows:

Mark Taylor—mark.taylor@va.gov:
VISNs 1, 2, 3, 4, 5, 6, VACO, VBA, and NCA
Phone number: (202) 461-4258

Wayne Berry—wayne.berry@va.gov:
VISNs 7, 8, 9, 10, 11, 12, 23, and NAC
Phone number: (202) 461-4269

David Canada—david.canada@va.gov:
VISNs 15, 16, 17, 18, 19, 20, 21, 22, Denver Acquisitions & Logistics Center, and the Information Technology Acquisition Center and Corporate Data Center Operations Office and the Center for Acquisition Innovation in Austin
Phone number: (202) 461-4253

Linda Sitney - linda.sitney@va.gov,
Outreach Coordinator
Phone number (202) 461-4262

Lynette Simmons - lynette.simmons@va.gov
Subcontracting and Federal Procurement Database System-Next Generation Coordinator
Phone number: (202) 461-4256

If your activity is not identified above, you can contact anyone in OSDBU and we will have the appropriate person assist you. Please be sure to send VA Forms 2268 to our office via the 2268_Submissions e-mail group in Outlook. That will ensure that it is reviewed by an alternate if the point of contact is out of the office.

For more information regarding this article, please contact David Canada at (202) 461-4253.

Interagency Networking to Facilitate Socioeconomic Accomplishments

By: David A. Canada, Small Business Specialist

In order to achieve the socioeconomic goals set by the VA Secretary, the small business points of contact in each Veterans Integrated Service Network (VISN) can benefit by networking with other Federal agencies. They can also network with local agencies that have a mission to provide assistance to small business in obtaining Federal contracts. Chances are that there are other Federal agencies in your area that are striving to meet the socioeconomic goals.

Networking increases your visibility of small businesses that have the potential to meet your needs. It provides a means to learn about the past experience that other agencies have had with firms seeking business with your agency. It gives you more visibility of outreach efforts of other agencies that you can participate in. It also allows for the various small business points of contact to coordinate their efforts and attract a larger number of firms to their outreach activities, such as conferences, workshops, matchmaking events, and vendor fairs.

Some of the agencies that may provide networking opportunities to you include:

- Small business program offices assigned to major military commands
- Small business representatives assigned to military acquisition offices
- Small business representatives from other Federal agencies
- Small business development centers (<http://www.asbdc-us.org/>)
- Procurement technical assistance centers (http://www.aptac-us.org/new/About_PTACS/index.php)

In my prior experience as the small business point of contact for the South Texas Veterans Health Care System, I was a member of a non-profit organization whose purpose is to promote small business. This organization is the San Antonio Business Opportunity Council (SABOC). SABOC was created in 1985 to promote the utilization of the various small business programs. In 2005, the SABOC president, Nancy Villarreal of the Army Medical Command graciously invited me to join.

Organizing with representatives from other Federally funded contracting and small business advocate organizations allowed us to promote the exchange of ideas, methods, and experiences regard-

ing utilization of small businesses, veteran-owned small businesses, service-disabled veteran-owned small businesses, HUBZone, small disadvantaged businesses, and woman-owned small businesses. Some of the other members of SABOC include:

- 12th Contracting Squadron at Randolph Air Force Base
- 37th Contracting Squadron at Lackland Air Force Base
- Air Education and Training Command at Randolph Air Force Base
- University of Texas at San Antonio Small Business Development Center
- City of San Antonio Procurement Technical Assistance Center
- San Antonio Office of the Small Business Administration
- Army Medical Command Small Business Program Office at Fort Sam Houston
- 419th Contracting Support Brigade at Fort Sam Houston

The SABOC members jointly provide a training workshop for contractors once a year. SABOC also hosts an annual reception to honor small businesses nominated by SABOC members for providing exceptional performance. Many SABOC members conduct their own outreach efforts during the year and invite other SABOC members to participate. For example, other SABOC members participated in a vendor show I hosted at the South Texas Veterans Health Care System (STVHCS).

The STVHCS participated in vendor matchmaking events and small business conferences hosted by other members. I presented a briefing to contractors seeking business opportunities at a breakfast hosted by the University of Texas at San Antonio Small Business Development Center. The Army Medical Command, a SABOC member, hosted the "MEDCOM – Alamo VOSB / SDVOSB Conference and Expo" in November 2008 (<http://medcomsbccconf.com/>). They have invited VA to participate as a speaker and as a panel member.

I highly encourage the small business points of contact in the various VISNs to network with other agencies in your area and pool your resources. You may even want to consider creating an organization such as SABOC. Networking allows you to increase your outreach capabilities significantly. It gives you another tool to improve your socioeconomic goal accomplishment.

For more information regarding SABOC, please visit their Web site at www.saboc.org. For questions regarding this article, please call David Canada at (202) 461-4253.

The Small Business Administration's Suspension of Applications for the Small Disadvantaged Business Program

By: *Linda Sitney, Small Business Specialist*

The U.S. Small Business Administration (SBA) published a notice in the *Federal Register* on September 23, 2008 alerting the small business community of the suspension of applications for the Small Disadvantaged Business Program.

An Interim Final Rule was published in the *Federal Register* on October 3, 2008 revising 13 CFR 124 to reflect the authority to allow small businesses to self represent their Small Disadvantaged Business (SDB) status, if they meet the criteria established by SBA. The rule was effective October 3, 2008. Comments were to be received on or before November 3, 2008.

SBA has certified SDBs on behalf of Federal procuring agencies since Fiscal Year (FY) 1999. SDB certification entitled the small business to receive price evaluation adjustments of up to 10 percent for Federal contracts.

The SDB price evaluation adjustment for prime contracts is the only direct benefit to the SDB firm. On December 9, 2004, the statutory authority to use the SDB price evaluation adjustment ended for the majority of Federal agencies.

The Department of Defense (DOD), National Aeronautics and Space Administration (NASA), and the U.S. Coast Guard are still permitted to use the evaluation adjustment under separate authority through 2009.

Federal agencies have expressed concerns of having firms go through the time and expense of the SDB certification process when there is little benefit. Agencies have met the government-wide SDB procurement goal through the use of the SBA section 8(a) program, awards through small business set-asides and full and open competition contracts. From FY 1999 to FY 2007, contract dollars going to SDBs increased from \$6.2 billion to more than \$25 billion. These were achieved with limited use of the price evaluation adjustment.

Effective October 1, 2008, procuring agencies will no longer be charged by SBA for SDB certification.

The responsibility of identifying firms as SDBs for Federal prime contracts shifts to the limited agencies that have authority and chose to use the price adjustment tool. Currently, only those firms that have applied to and been certified as SDBs by SBA may certify themselves to be SDBs for Federal prime and subcontracts. The rule allows firms to self-represent their status for subcontracting purposes without first receiving any SDB certification.

In essence, the rule eliminates the requirement that a firm must have received an SDB certification from SBA before it can represent itself to be an SDB. In order for a concern to represent that it is an SDB in order to receive a benefit as a prime contractor on a Federal government procurement, the rule states that a firm must:

- (1) Be a current participant in SBA's 8(a) Business

- Development Program;
- (2) Have been certified by SBA as an SDB within 3-years of the date it seeks to certify as an SDB;
- (3) Have received certification from the procuring agency that it qualifies as an SDB; or
- (4) Have submitted an application for SDB certification to the procuring agency and must have not received a negative determination regarding that application.

For subcontracts, the rule permits a firm to represent that it qualifies as an SDB if it believes in good faith that it is owned and controlled by one or more socially and economically disadvantaged individuals.

There will continue to be a SDB Federal contracting goal. Although the U.S. Department of Veterans Affairs (VA) is not authorized to use the price adjustment tool for SDBs, VA has a combined 8(a) and SDB contracting goal of 5 percent.

For more information regarding this article, please contact Linda Sitney by e-mail at linda.sitney@va.gov.

OSDBU Staffing Changes

By: *Wayne Berry, Small Business Specialist*

Please join the Office of Small and Disadvantaged Business Utilization (OSDBU) for the U.S. Department of Veterans Affairs (VA) in congratulating staff members who have accepted promotions and advanced within the organization.

OSDBU Deputy Director Wayne Simpson has accepted the position of Executive Assistant to Mr. Jan Frye, Deputy Assistant Secretary for Acquisitions and Logistics (OA&L). Mr. Frye serves as VA's Senior Procurement Executive. Wayne has worked for VA over 34 years, the last 8 spent in OSDBU as a tireless advocate of veteran-owned small businesses. Wayne's last day in OSDBU was October 3, 2008. Event organizers often requested Wayne to appear as a speaker at small business conferences and events throughout the country.

OSDBU Senior Procurement Analyst Deborah VanDover has accepted a position as Procurement Analyst in the Office of Acquisition Policy. Deborah worked in OSDBU for 14-years, beginning on Halloween, 1994. Deborah maintained a high level of customer service, often working long hours to work with procurement staff across the county to advocate on behalf of small business.

Before she began reviewing joint venture agreements and 2268 submissions, Deborah served as a contracting officer at the medical facilities in Hampton, VA, Long Beach, CA, Salem, VA and Baltimore, MD.

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(STAFFING, *From Page 5*)

Cordell Smith has accepted a position as Congressional Relations Officer, in VA's Office of Congressional and Legislative Affairs. Cordell worked as a Small Business Specialist in OSDDBU for 2-years. As a specialist, Cordell's writing skills and congressional experience were great assets to OSDDBU. Before coming to OSDDBU, Cordell was Executive Director of the HUBZone Contractors National Council, a trade association for HUBZone small business concerns.

We want to thank each of these individuals for their years of service to the veteran community, small businesses and VA. Please join OSDDBU in wishing these individuals continued success in their careers.

Status Protests

By: Deborah A. Van Dover, Senior Procurement Analyst

The procedures described herein are in accordance with 13 Code of Federal Regulations (CFR) 125.25 and Federal Acquisitions Regulations (FAR) 19.307. They outline what steps must be taken, and, what information must be contained in a protest to the U.S. Small Business Administration (SBA) regarding the alleged status of a service-disabled veteran-owned small business. Protests must be in writing and must specify all the grounds upon which the protest is based.

The referral letter must include information pertaining to the solicitation that may be necessary for SBA to determine timeliness and standing, including:

The solicitation number; the name, address, telephone number and facsimile number of the contracting officer (CO); Whether the contract was sole-source or set-aside; Whether the protestor submitted an offer; Whether the protested concern was the apparent successful offeror; When the protested concern submitted its offer (*i.e.*, made the self-representation that it was a service-disabled veteran-owned small business concern); Whether the procurement was conducted using sealed bid or negotiated procedures; The bid opening date, if applicable; When the protest was submitted; When the protester received notification about the apparent successful offeror, if applicable and; Whether a contract has been awarded.

An interested party, other than the contracting officer or SBA, must deliver their protests in person, by facsimile, by express delivery service, or by U.S. mail, post-marked within the applicable time period to the contracting officer. The contracting officer or SBA must submit their written protest directly to the Associate Administrator for Government Contracting.

Timeliness. (1) For negotiated acquisitions, an interested party must submit its protest by close of business 5-business days after notification by the contracting officer of the apparent successful offeror.

(2) For sealed bid acquisitions, an interested party must submit its protest by close of business on the fifth business day after bid opening.

(3) Any protest submitted after the time limits is untimely, unless it is from SBA or the CO.

(4) Any protest received prior to bid opening or notification of intended awardee, whichever applies, is premature.

The contracting officer must forward to SBA any non-premature protest received. The contracting officer must send all protests, along with a referral letter, directly to the Associate Administrator for Government Contracting, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416 or by fax to (202) 2056390, Attn: Service-Disabled Veteran Status Protest.

The CO's referral letter must include information pertaining to the solicitation that may be necessary for SBA to determine timeliness and standing, including: The solicitation number; the name, address, telephone number and facsimile number of the CO; Whether the contract was sole-source or set-aside; Whether the protester submitted an offer; Whether the protested concern was the apparent successful offeror; When the protested concern submitted its offer (*i.e.*, made the self-representation that it was a SDVO SBC); Whether the procurement was conducted using sealed bid or negotiated procedures; The bid opening date, if applicable; When the protest was submitted to the CO; When the protester received notification about the apparent successful offeror, if applicable and; Whether a contract has been awarded.

For additional questions regarding this article, please contact David Canada at (202) 461-4260.

Architectural and Engineering Requirements

By Deborah A. Van Dover, Senior Procurement Analyst

The question has come up since the implementation of Public Law (P.L.) 109-461 as to whether or not VA can now sole source these requirements to service-disabled veteran and/or veteran-owned small businesses.

Since a minimum of three firms are required, there can be no sole source contracts for architectural and engineering services requirements.

Public Law 92-582, commonly referred to as the "Brooks Act" pertains to the Federal government's procurement of architectural and engineering (A/E) services.

One stipulation of the Brooks Act is that "the agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by

other firms regarding the proposed project, and shall conduct

(See [REQUIREMENTS, Page 7](#))

(REQUIREMENTS, *From page 6*)

discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefore, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required”.

P.L. 109-461 does not supersede the Brooks Act.

Procurements for A/E services fall under the Small Business Competitiveness Demonstration (Comp Demo) Program Federal Acquisitions Regulations (FAR) Part 19.10. The purpose of Comp Demo is to assess the ability of small businesses to compete successfully in certain industry categories without restricting competition to small business set-asides. See FAR 19.1005 for the complete list of industry groups included under Comp Demo.

Set-asides for emerging small businesses must be conducted for AE requirements under \$50,000.

Small business set-asides cannot be conducted for A/E requirements in excess of \$50,000. Many contracting staff interpret this requirement to mean they must use a full and open acquisition strategy. This is not the case. In accordance with FAR 19.1007 (b) (2), acquisitions must still be considered for the other small business groups. Remembering that P.L. 109-461 officially, and legally, changed VA's procurement order of precedence, a VA contracting officer would need to consider service disabled veteran owned small businesses, veteran owned small businesses, 8(a) and HUBZone concerns, prior to issuing an A/E as a full and open competition. The word 'consider' in this instance, means that market research must be conducted for each group, in order of its priority, prior to issuing a solicitation for A/E services using a full and open acquisition strategy.

For additional questions regarding this article, please contact David Canada at (202) 461-4260.

Avoid Delaying Your Acquisition: Include the HUBZone Price Evaluation Preference Clause

By: Cordell E. Smith, Small Business Specialist

Recently, the Government Accountability Office (GAO) decided a bid protest involving the HUBZone program's price evaluation preference, which is provided to HUBZone contractors bidding in full-and-open competition. Paradoxically, the GAO decision appears to contradict an earlier court decision by the U.S. Court of Federal Claims. How should contracting officers act in light of this conflicting guidance?

Our recommendation is to avoid the problems that gave rise to both the Court of Federal Claims and the GAO de-

isions. In both instances, a provision mandated by the Federal Acquisitions Regulations (FAR) was left out of the relevant solicitations. Contracting officers should avoid this error. When issuing a solicitation in full-and-open competition, contracting officers should follow the instructions in FAR 19.1308(b), and insert the FAR clause dealing with the HUBZone price evaluation preference in contracts and solicitations for full-and-open competition, when the acquisition exceeds the simplified acquisition threshold. See FAR 19.1307(a) for other exclusions (e.g., multiple award contracts).

The price evaluation preference is one of the benefits mandated by law for HUBZone firms, when competing in a full-and-open environment. A HUBZone offeror whose bid is not more than 10% higher than that of an otherwise-successful large business will, nevertheless, be deemed the lowest priced offeror. The U.S. Small Business Administration's (SBA) HUBZone program regulations explain how to conduct the price evaluation preference calculation, with examples, at Title 13, Code of Federal Regulations, section 126.613.

The price evaluation preference seeks to offset the possible competitive disadvantage that could otherwise arise for firms that participate in the HUBZone program. To qualify for the program, a small business must have its principal office in a HUBZone and must hire at least 35% of its employees from HUBZones.

Because HUBZones are among the most economically distressed areas of the United States, a legitimate HUBZone participant is likely to make substantial investments in revitalizing abandoned or blighted properties, hiring and training HUBZone employees, and even taking security precautions against high local crime rates.

A firm must make those investments and meet those criteria before it submits its application to SBA to be certified, and then it may compete for HUBZone contracts, according to 13 CFR 126.302.

However, these investments could result in substantially higher overhead and other costs, causing a HUBZone firm to be uncompetitive relative to other firms not making comparable investments. The HUBZone price evaluation preference gives HUBZone firms a bit of breathing room to remain competitive in full-and-open, when competing against large businesses.

Thanks to economies of scale, large firms often already have a competitive advantage in terms of their cost structures, so the HUBZone price evaluation preference is aimed at "leveling the playing field" relative to large firms. It is not available to a HUBZone firm competing against an otherwise-successful small firm.

The GAO decision and the Court of Federal Claims case both involve acquisitions where a solicitation omitted the FAR clause providing notice of the price evaluation preference. It is worth noting that the same FAR clause also provides a HUBZone firm with the

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opportunity to waive the price evaluation preference if it wishes to do so. A contract awarded on the basis of a HUBZone price evaluation preference is considered a “HUBZone contract” and the HUBZone offeror must perform certain percentages of the work under the contract, just as if it were awarded on the basis of a set-aside, according to 13 CFR 125.6(c).

A HUBZone firm that wants to avoid the subcontracting limitations may waive the price evaluation preference, and compete in full-and-open on the same basis as other offerors, according to FAR 52.219-4(c).

But, if a contracting officer omits FAR clause 52.219-4, and the offeror has not waived the price evaluation preference, what happens? The HUBZone Program Act clearly indicates that the HUBZone price evaluation preference is a mandate: a HUBZone offeror’s price “shall” be deemed lower than the price of a large business offeror, according to Small Business Act, section 31(b)(3)(A), see Title 15, United States Code, section 657a(b)(3)(A). Similarly, FAR 19.1307(a) states that the price evaluation preference “shall” be used, and FAR 19.1308(b) states that the FAR clause “shall” be inserted in the solicitation and contract.

In a decision issued in 2003 (*Delaney Construction Corp. v. United States*), the U.S. Court of Federal Claims stated that “shall” means “shall.” Even if a contracting officer omits the FAR clause, the price evaluation preference still must be provided, by operation of law. If this sounds familiar, it follows the same logic as the so-called “Christian doctrine” established in *G.L. Christian & Assocs. v. United States*, 312 F. 2d 418 (Ct. Cl. 1963). The Court of Federal Claims did not directly cite the *Christian* case as a precedent but the opinion clearly reflects a similar rationale. See accompanying article for a discussion of the *Christian* case.

Curiously, the GAO did not follow the logic of either *Christian* or *Delaney Construction* when it considered a similar bid protest earlier this year. *Goel Services, Inc.*, B-310822.2 (May 23, 2008). The protestor claimed that it was entitled to the HUBZone price evaluation preference, notwithstanding the omission of the relevant FAR clause. GAO stated that the agency (the General Services Administration) did not violate the terms of the solicitation by refusing the price evaluation preference, since the solicitation did not include the FAR clause. Moreover, GAO stated that if *Goel Services* had wanted to challenge the terms of the solicitation, it needed to do so before bid opening, so GAO dismissed the protest as untimely.

GAO cited a pair of prior GAO bid protest decisions to support its view that mandatory provisions are not automatically read into the terms of a solicitation. However, those decisions were from 1992 and 1993, well before the Court of Federal Claims decided the *Delaney Construction* case in 2003, and the court rejected their application in the case of the HUBZone price evaluation preference. In fact, the court said of the GAO decisions:

“Whatever the merit of the several decisions by the Comptroller General [i.e., GAO], cited by the parties, that missing provisions cannot be read into a solicitation, these decisions lack substance where, as here, the HUBZone statute itself mandates the price evaluation preference.”

The court did not consider the *Delaney Construction* case to be a protest about the terms of the solicitation that needed to be determined before bid opening. It did not address the existential issue whether the HUBZone price evaluation preference clause could be “read into” the solicitation. Instead, the court decided that the HUBZone offeror was entitled to have its offer evaluated according to the preference, regardless of whether the FAR clause was or was not in the solicitation. The process of challenging the terms of a solicitation before bid opening was basically irrelevant.

Ultimately, the court looked to the HUBZone law as passed by the Congress and signed by the President, and found the mandate there rather than merely in regulation or in the terms of a solicitation. Accordingly, the court gave effect to the statute. Decisions by the GAO are not binding on the court and do not prevent a protestor from taking his or her claim to the court, even if GAO dismisses the protest. Instead, decisions by the GAO are considered part of the administrative record and are subject to review by the court. See Title 31, United States Code, section 3556.

What does this mean for HUBZone contractors, and how does that affect contracting officers trying to get an acquisition out the door? Essentially, if a contracting officer omits the HUBZone price evaluation preference clause when it is required, expect delays. A HUBZone firm may formally protest the terms of the solicitation to GAO, although in light of the *Goel Services* decision the HUBZone firm will want to do so before bid opening. Alternatively, a HUBZone firm may take its protest to the Court of Federal Claims, and insist on getting the statutorily mandated preference applied, regardless of the terms of the solicitation.

Either way, the result would be a delay in the acquisition. The best way to solve the problem is to prevent it. If a contracting officer is conducting an acquisition in full-and-open competition above the simplified acquisition threshold, and none of the exceptions in FAR 19.1307(a) applies, put in the HUBZone price evaluation preference clause.

For additional questions regarding this article, please contact David Canada at (202) 461-4260.

A Look at *G. L. Christian & Assocs. v. United States* (1963)

By: **Cordell E. Smith, Small Business Specialist**

In *G.L. Christian & Assocs. v. United States*, 312 F. 2d 418 (Ct. Cl. 1963), the U.S. Court of Federal Claims considered claims arising out of a contract termination. In December, 1956, the U.S. Army Corps of Engineers had awarded a contract for the construction of 2,000 housing units at Fort Polk in Louisiana. However, a subsequent decision to deactivate Fort

(See *CHRISTIAN*, Page 9)

(CHRISTIAN, From Page 8)

Polk lead the Corps to suspend work on the housing construction contract in January, 1958, and to terminate in February. During the course of settlement, a dispute arose over compensating the contractors for anticipated but unearned profits under the terminated contract.

The housing construction contract did not include a provision required by the Armed Services Procurement Regulation (now superseded by the Federal Acquisition Regulation) allowing the Government to terminate the contract for convenience. The contractors argued that, in the absence of such a clause, the Government's decision to terminate was a wrongful termination. A wrongful termination is essentially a breach of contract, and the wronged parties are entitled to be made whole, including payment of anticipated profits.

Under termination for convenience, the government does not pay anticipated profits, only profits associated with the work accomplished during the period of performance. The current FAR clause is 52.249-2, Alternate I.

If the Government is exercising the right to terminate for convenience as reserved in the contract, it would not be making a wrongful termination. What happens if the termination for convenience provision is inadvertently omitted, and the Government terminates anyway?

The court ultimately found that the termination for convenience provision was incorporated into the contract. The Armed Services Procurement Regulation, like the current FAR clause, said the contracting officer "shall" include the termination for convenience clause. The court described the policy of allowing termination for convenience, with payment of earned profits but not anticipated profits, as "a deeply ingrained strand of public procurement policy," and cited a series of statutes extending back to the World War I era in support of that view.

"We believe that it is both fitting and legally sound to read the termination article required by the Procurement Regulations as necessarily applicable to the present contract and therefore as incorporated into it by operation of law." The contractors would not be allowed to recover anticipated but unearned profits.

It is worth noting that the *Christian* case can be distinguished from the *Delaney Construction* case in one important respect. The court in *Christian* actually incorporated the termination for convenience clause into the contract retroactively. In *Delaney Construction*, the court did not formally incorporate the HUBZone price evaluation preference into the solicitation at issue there, but instead simply said that the contracting officer must provide that benefit in the course of evaluating the offers, because that benefit was mandated by statute.

As a result, the case did not involve a correction to the solicitation and was not constrained by time limits on protesting a solicitation before bid opening.

For additional questions regarding this article, please contact David Canada at (202) 461-4260.

VA and SBA 8(A) Partnership Agreement

By: *Lynette Simmons, Small Business Specialist*

The new Partnership Agreement (PA) between the U.S. Department of Veterans Affairs (VA) and the U.S. Small Business Administration (SBA) was signed January 16, 2007, and will remain in effect until September 30, 2009. The PA delegates SBA's contract execution functions to VA for expediting the award of contracts pursuant to Section 8(a) of the Small Business Act. Without the agreement, VA acquisition and logistics professionals must follow the procedures contained in Federal Acquisition Regulation (FAR) Subpart 19.8.

Frequently Asked Questions

QUESTION: Can a contracting officer (CO) issue a purchase order when an 8(a) participant has been identified on all simplified acquisition under \$100K without a request for eligibility determination to SBA?

- ◆ No. Request an eligibility determination from SBA's District Office responsible for servicing the selected 8 (a) participant when an 8(a) participant has been identified.

QUESTION: Will CO, small business specialists, etc., be required to participate in 8(a) Business Development Program contract training when conducted by the SBA?

- ◆ Yes. It is mandatory and required PA.

QUESTION: What are the procedures for submitting an offering letter for sole source requirements exceeding the Simplified Acquisition Threshold of \$100K when an 8(a) participant has been identified? What shall be included in the acceptance letter from SBA?

- ◆ Submit the offering letter to SBA's District office responsible for servicing the selected 8(a) participant. Upon receipt of an offering letter, SBA will issue either an acceptance or rejection letter within 5 working days. Absent a notification of rejection within 5 working days of receipt of the offer from SBA, acceptance may be assumed on the 6th working day.
- ◆ Acceptance will include a size verification and determination with respect to all elements of eligibility (i.e., determinations of adverse impact, North American Industrial Classification System (NAICS) code appropriateness, and program eligibility.

Question: What are the procedures for submitting an offering letter for sole source requirements when VA has not identified a specific 8(a) participant for a requirement?

- ◆ An open offering letter for sole source requirements shall be submitted to the SBA District Office that services the geographical area where the VA contracting activity is located.

(See *PARTNERSHIP*, Page 10)

(PARTNERSHIP, From Page 9)

Question: What are the procedures for submitting the offering letter for competitive 8(a) requirements?

- ◆ An offering letter for competitive 8(a) requirements shall be submitted to the SBA District Office that services the geographical area where the VA contracting activity is located.
- ◆ Upon receipt of an offering letter, SBA will issue either an acceptance or rejection letter within 5 working days. Absent a notification of rejection within 5 working days of receipt of the offer from SBA, acceptance may be assumed on the 6th working day.

****EXCEPTIONS****

For construction services, the offering letter shall be sent to the SBA District Office located in the geographical area where the work will be performed, in case of construction contracts to be performed; overseas, the offering letter shall be submitted to SBA's Headquarters.

Question: Do I need an eligibility determination for the apparent awardee? What about negotiated procurements? Where is it sent?

- ◆ The contracting officer shall submit a request for eligibility determination to the SBA District Office servicing the apparent awardee.
- ◆ SBA shall issue an eligibility determination for the apparent awardee within 2 working days.
- ◆ For negotiated procurements, following receipt of initial offers including price, the contracting officer may request an eligibility determination for all firms in the competitive range, if discussions are to be conducted.
- ◆ Following receipt of initial offers including price, and with 2 working days after a request from the contracting officer, SBA shall issue an eligibility determination for all firms in the competitive range, if discussions are to be conducted.
- ◆ Eligibility determination requests shall be sent to the SBA offices servicing those firms in the competitive range.

Question: What if I have a competitive and sole source 8(a) requirement, but no specific 8(a) participant has been nominated, what do I do?

- ◆ When no specific 8(a) participant has been nominated for a competitive and sole source requirement, submit to the SBA District Office servicing the geographical area in which the procuring activity is located.

Question: What about competitive and open construction requirements?

- ◆ Submit to the SBA District Office serving the geographical area in which the work is to be performed or, in the case of overseas contracts, to the Office of 8(a) Business Development located at SBA Headquarters.

Question: Once an 8(a) requirement is awarded, who receives copies of award documents?

- ◆ A copy of any contracts as defined in FAR 2.101, including basic contracts, orders, modifications and purchases orders, executed under the PA to the SBA servicing District Office within 15 working days of the date of award.
- ◆ Also submit a copy to OSDBU.

Question: What shall we do prior to final award in all 8(a) competitive acquisitions?

- ◆ Request an eligibility determination from SBA.

Question: Does VA have the option to use tripartite procedures to award 8(a) contracts and purchase order to 8(a) participants as specified in FAR Subpart 19.8?

- ◆ Yes, VA shall retain that option.

Question: Does VA need SBA's approval of novation agreements submitted by the 8(a) participant?

- ◆ Yes.

Question: What if VA wants to terminate a contract in whole or in part?

- ◆ SBA requires advance notice (as the prime contractor) prior to issuance of a final notice terminating the contract in whole or in part.

Question: What about NAICS codes for all 8(a) contracts?

- ◆ The contracting officer shall ensure that all NAICS codes for all 8(a) contracts are applied in accordance with FAR 19.102.

Question: What about joint ventures involving 8(a) participants?

- ◆ Submit all proposed joint ventures involving 8(a) participants to SBA for approval before contract(s) award.

The Partnership Agreement is on OSDBU's Web site at www.va.gov/osdbu.

For questions regarding this article, please contact Lynette Simmons at (202) 565-8136 or lynette.simmons@va.gov.

Federal Government Misses FY 2007 Small Business Goals

By: Wayne Berry, Small Business Specialist

The Federal government fell short of the small business goals in Fiscal Year (FY) 2007, according to a long-delayed report released in October.

Federal agencies awarded a total of \$83.2 billion in prime contracts to small businesses in 2007, a \$5.5 billion increase from 2006, according to the U.S. Small Business Administration (SBA). The percentage of all contracts awarded to small businesses was down from 22.8 percent in 2006, the second year in a row the Federal government missed its 23 percent goal. Of the 24 Federal agencies considered, 17 met their overall small business contracting goals.

The U.S. Department of Veterans Affairs (VA) successfully met all small business goals in FY 2007, according to the report. The other Federal agencies that met or exceeded all small business goals are the U.S. Department of Energy, and SBA. Changes to small business size standards and the verification of their status last year contributed to the overall failing grade of the Federal agencies support of small business goals, according to SBA.

An SBA rule that went into effect in July 2007 requires small contractors to tell the government they are no longer a small business if they are acquired by a large business. Small businesses also must recertify their size status every 5-years if they are working on a long-term contract. If they are no longer a small business, agencies may not count their contracts toward their small business goals.

"This year, the SBA made it more challenging for Federal agencies to meet their goals, due to our initiatives to cleanse the Federal contracting database of bad data, and ensure that small businesses receiving small business contracts meet the definition of small," said Sandy Baruah, SBA Acting Administrator.

In addition to failing to meet its overall small business contracting goal, the Federal government also fell short of its targets on contracts to service-disabled veterans, businesses located in low-income areas known as Hubzones, and women. It exceeded its contracting goal for minority-owned businesses.

Federal Supply Schedule Guide for Small Business Owners

By: Mark J. Taylor, Small Business Specialist

The U.S. Department of Veterans Affairs (VA) Acquisition community receives inquiries from small business owners on how to get a Federal Supply Schedule (FSS). The Federal Acquisition Regulation (FAR) Part 8.4 gives an overview of the FSS program that you can refer small business owners to reference.

These guidelines also apply to small business owners marketing the National Acquisition Center (NAC) as they have been delegated authority for FSS in 9 categories. For information on FSS opportunities at the NAC, contact the NAC help desk at help-desk.ammhinfss@va.gov.

The U.S. General Services Administration (GSA) awards contracts to responsible companies offering commercial items, at fair and reasonable prices, that fall within the generic descriptions in GSA Schedule solicitations. Contracting officers determine whether prices are fair and reasonable by comparing the prices/discounts which a company offers the government with the prices/discounts that the company offers to commercial customers.

VA and other government agencies use these contracting vehicles to procure products and services. Small business must have 2-years of experience in their current business and able to achieve \$25,000 in sales annually in order to pass the GSA criteria for schedule holders.

Small business owners must successfully complete Pathways to Success, an educational seminar designed to assist prospective schedule contractors in making an informed business decision as to whether obtaining a GSA Schedule contract is in their best interests. Make sure to print out the certificate and save a copy. Information can be found on the GSA Web site at www.qsa.gov/schedules.

FSS applicants shall complete the Online Representations and Certifications Application (ORCA), an Integrated Acquisition Environment (IAE) E-Government initiative designed to reduce the administrative burden on vendors to submit the same paper-based representations and certifications repeatedly for various solicitations. Prospective schedule contractors shall complete electronic annual representations and certifications via the ORCA Web site and to update the representations and certifications as necessary, but at least annually, to ensure they are kept current, accurate, and complete. The ORCA Web site can be found at <http://www.orca.bpn.gov>.

Register in the Central Contractor Registration (CCR) database to ensure the CCR registration is up-to-date. In order to register in the CCR, vendors must have a DUNS Number. The CCR collects, validates, stores, and disseminates data in support of agency acquisition missions. Vendors must be registered in the CCR prior to the award of a schedule contract. CCR's Web site can be found at www.ccr.gov.

VA contracting personal should always remind veterans and service-disabled veterans to register on the Vendor Information Pages at www.va.gov, the data base for SDVOSB and VOSB maintained by VA.

For additional information regarding the contents of this article, please contact Mark J. Taylor at (202) 461-4258, or by e-mail at mark.taylor@va.gov.

Subcontract Review Assistance

By: Lynette Simmons – Small Business Specialist

In the last article on subcontracting, there was some feedback regarding the U.S. Small Business Administration’s (SBA), Procurement Center Representatives (PCR) located at some of the facilities and I wanted to give you a listing of the SBA PCR approved by OSDBU.

To have a SBA PCR assigned to your activity, a request must come in OSDBU requesting an SBA PCR. OSDBU takes the necessary steps to ensure one is assigned you. For PCR assignment to your activity, please submit a request to OSDBU. OSDBU will take the necessary steps to ensure one is assigned. Please submit your request to me at lynette.simmons@va.gov or Mark Taylor at mark.taylor@va.gov.

The following is a listing of SBA PCR approved by OSDBU and their locations:

VA Activities	SBA, PCR Assigned
National Acquisition Center – Hines, IL	Pamela Coleman
VACO	None Officially Assigned
VISN 1	None Officially Assigned
VISN 2	None Officially Assigned
VISN 3	Deborah Libow
VISN 4	None Officially Assigned
VISN 5	None Officially Assigned
VISN 6	None Officially Assigned
VISN 7	None Officially Assigned
VISN 8	None Officially Assigned
VISN 9	None Officially Assigned
VISN 10	None Officially Assigned
VISN 11	None Officially Assigned
VISN 12	Pamela Coleman
VISN 14	None Officially Assigned
VISN 15	None Officially Assigned
VISN 16 – Houston, TX	Valerie Coleman
VISN 17 – Dallas, TX	Paul Stone
VISN 18	None Officially Assigned
VISN 19	None Officially Assigned
VISN 20	None Officially Assigned
VISN 21	None Officially Assigned
VISN 22	None Officially Assigned
VISN 23	None Officially Assigned

CONFERENCE MATERIALS AVAILABLE FOR LOCAL SMALL BUSINESS EVENTS

By: Wayne Berry, Small Business Specialist

The new Fiscal Year begins a fresh round of trade shows, matchmaker programs and conferences. These events are an opportunity to educate local small business owners about contracting opportunities with the U.S. Department of Veterans Affairs (VA) and other Federal agencies. Most who attend these trade shows and conferences will agree that promotional items play a major role in drawing attention to your display.

Unique promotional items branded with VA contact information are a great way to start a conversation about VA and the agency’s small business opportunities. Printed hand-outs give detailed information regarding VA’s small business program goals.

The Office of Small and Disadvantaged Business Utilization (OSDBU) support VA’s local outreach efforts by sending printed information and promotion materials. These pamphlets and promotion materials are available by written request.

OSDBU provides two tri-folds for public distribution: one for small business outreach; the second describes the Center for Veterans Enterprise (CVE) and the veteran-owned small business database.

The small business outreach tri-fold, “Doing Business with the U.S. Department of Veterans Affairs” provides the public with relevant general information, including a brief description of VA, the OSDBU office, agency socioeconomic goals. The pamphlet describes the Forecast of Contracting Opportunities and how VA procures goods and services.

The outreach tri-fold also lists several Web sites small business owners may find helpful in their attempt to market VA and other Federal agencies.

This pamphlet is updated annually to reflect current socioeconomic goals and accomplishments. Small business specialists and contracting staff should distribute only the most recent tri-fold, last updated October, 2008. All previous editions are obsolete and should be discarded.

Tri-folds provided by CVE describes the VetBiz Web site. This pamphlet lists the requirements for acceptance to the Vendor Information Page (VIP). VIP is the online database that lists businesses 51% or more owned by veterans or service-connected disabled veterans.

Veteran-owned small businesses must be listed in VIP before consideration for contract award. This tri-fold describes the application process and available assistance for veteran-owned businesses applying to this database.

OSDBU provides a variety of promotional items to support outreach events.

(See MATERIALS, Page 13)

(MATERIALS, From Page 12)

Items are distributed according to availability. These items are procured with obligated funds.

Promotion items shall be requested for a specified event. This request may be submitted via e-mail. In your e-mail, please provide:

Name of conference
Date of conference
Location of conference
Projected number of participants at the conference
FedEx mailing address for shipment of conference material

In your request, provide the number of promotional items, tri-folds, business cards and handouts required for the event. It is important to note that table top and table skirt items listed on the form are not available.

Small business specialists and procurement staff requesting conference materials should place their order a minimum of 2-weeks before the event.

For additional information, please contact small business specialists Linda Sitney by e-mail at linda.sitney@va.gov, or Wayne Berry at wayne.berry@va.gov.

Small Business Specialist 101

By: Wayne Berry Small Business Specialist

Contracting staff supporting the U.S. Department of Veterans Affairs (VA) have many duties, including the role of small business specialist. While this task is rarely expressed in their job description, it is performed whenever a local small business calls, e-mails or visits the office.

Unlike the Federal government, small businesses have limited resources. Their business decisions are often financed with their life savings, a second mortgage, or loans from friends and families. Marketing the Federal government is expensive and time consuming for small business owners. It is critical that contracting officers and small business specialists provide small business owners with current and accurate Federal procurement policies and procedures.

A best practice recommended by OSDDBU staff is to maintain an electronic library of resources for small business owners who consider doing business with VA. Online information is the most efficient and cost effective way of retaining references that are both current and easily disseminated. This electronic library will allow VA staff to respond to small businesses efficiently.

Web sites internal to VA include: VA home page, www.va.gov; OSDDBU home page, www.va.gov/osdbu; VetBiz, also known as the Vendor Information Page (VIP), vip.vetbiz.gov. VA's home page, specifically, the Frequently

Asked Questions (FAQ) provides valuable information to individuals seeking to understand VA's mission.

Specialists will find FAQ very helpful when assisting veterans with questions other than procurement.

For Veterans Benefits Administration, please use www.vba.va.gov.

OSDBU's home page provides small business concerns with timely information they need to develop marketing plans for VA. Some of the information this web page provides includes: VA's Forecast of Contracting Opportunities (FCO), monthly socioeconomic goals and accomplishments VA wide; public laws and regulations affecting the small business community; small business points of contact, chief logistic officers and network contract managers throughout VA; and Vendor Day Registry, for small businesses who visit the D.C. area.

Additional small business resources including links to the Small Business Administration (SBA) are available via this web page.

For small businesses inquiring about subcontracting opportunities, OSDDBU's home page provides information such as the subcontracting standard operating procedure (SOP) and checklist, and the subcontracting directory. The subcontracting directory is a list of other than small businesses who have already submitted their subcontracting plan to VA. Web sites external to VA include: Web sites to SBA, www.sba.gov; General Services Administration (GSA) www.gsa.gov; and Procurement Technical Assistance Centers (PTAC) www.aptac-us.org. SBA provides assistance to small business owners through several programs. Veterans may ask about Patriot Express, a loan program for veterans and current military trying to start or expand their business.

The GSA Web site explains the Federal Supply Schedule (FSS), how to apply, and the times and locations for training. The Web site also provides an application package and contact information. PTACs are a nationwide network of procurement professionals working to support and extend Defense Logistics Agency's (DLA) mission of providing the best value goods and services to America's Armed Forces and other government agencies.

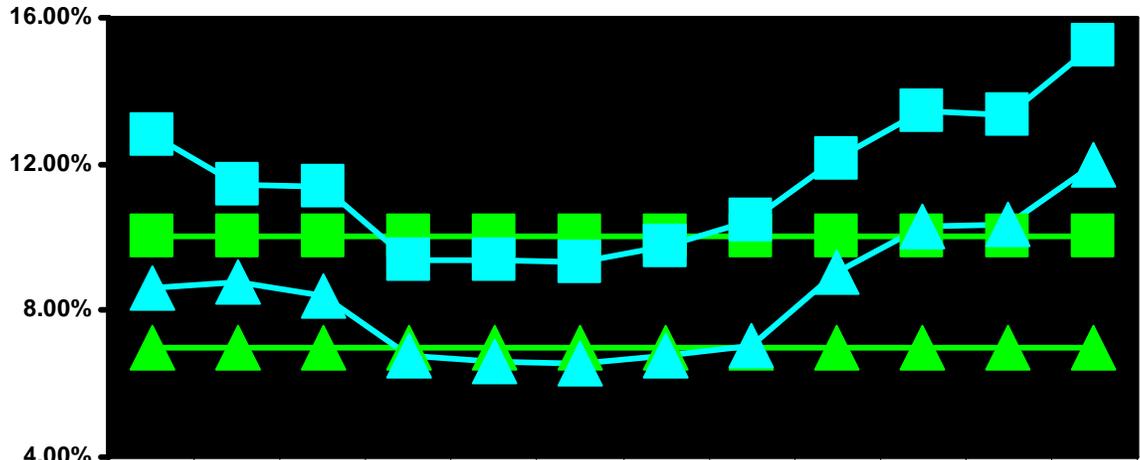
PTACs help individuals start a small business, and assist existing small businesses marketing to the Federal government. These services are provided at no charge. There are currently 93 PTACs with over 250 local offices across the United States.

Small business specialists should consider local small business resources in addition to the Web sites identified above. Local resources may include veteran organizations; state or local offices for small business; Trade groups; and non-profit organizations.

For additional information regarding this article, please contact Wayne Berry at 202 461-4269.



FISCAL YEAR 2008 SDVOSB & VOSB TRENDS OCTOBER 1, 2007 THROUGH SEPTEMBER 30, 2008

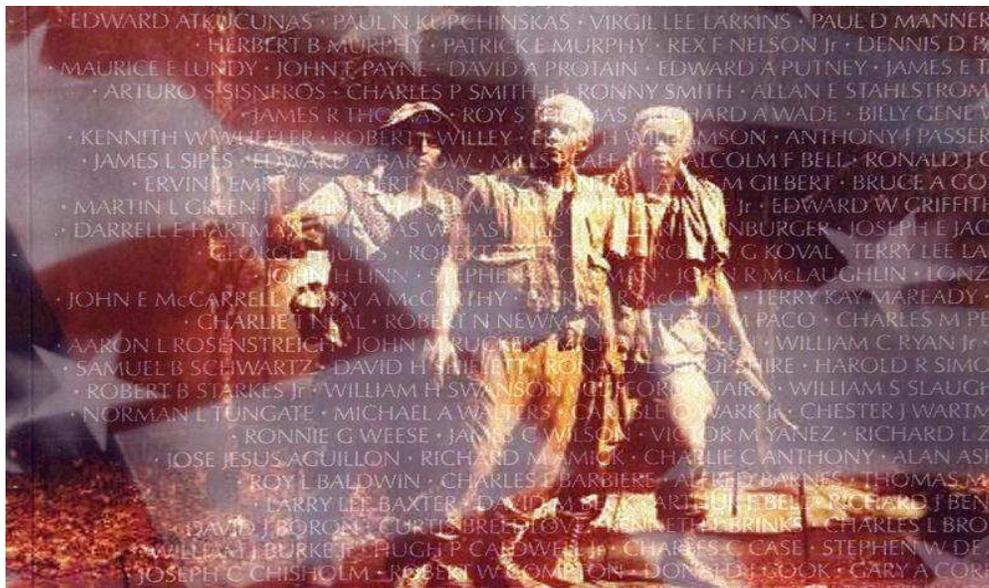


	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT
SDVOSB GOAL	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%	7.00%
VOSB GOAL	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%
SDVOSB ACTUAL	8.64%	8.76%	8.38%	6.75%	6.61%	6.56%	6.78%	7.03%	9.07%	10.30%	10.33%	11.97%
VOSB ACTUAL	12.79%	11.42%	11.37%	9.35%	9.39%	9.31%	9.77%	10.47%	12.12%	13.47%	13.35%	15.22%



VA OSDBU STAFF DIRECTORY

NAME AND TITLE	TELEPHONE NUMBER	E-MAIL ADDRESS
Scott F. Denniston, Director	(202) 461-4250	Scott.Denniston@va.gov
Lynette Simmons, Small Business Specialist (Subcontracting)	(202) 461-4256	Lynette.Simmons@va.gov
Linda F. Sitney, Small Business Specialist (Outreach)	(202) 461-4262	Linda.Sitney@va.gov
Mark J. Taylor, Small Business Specialist (Prime Contracting)	(202) 461-4258	Mark.Taylor@va.gov
Wayne Berry, Small Business Specialist (Prime Contracting)	(202) 461-4269	Wayne.Berry@va.gov
David A. Canada, Small Business Specialist (Prime Contracting)	(202) 461-4260	David.Canada@va.gov
Marsha D. White, Administrative Officer	(202) 461-4257	Marsha.White@va.gov
Thelma M. Perkins, Program Support Assistant	(202) 461-4274	Thelma.Perkins@va.gov



Graphic by: Lee S. Girard



Upcoming Events

DATE

EVENT/LOCATION

December 4, 2008

Deep East Texas Contracting Opportunities Conference, Lufkin, TX

December 10, 2008

7th Annual Small, Minority, Women & VOSB Conference, San Antonio, TX