

COMSCINST 4380.1D	COG CODE N00B/N10	DATE 18 APR 97
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DEPARTMENT OF THE NAVY
COMMANDER MILITARY SEALIFT COMMAND
WASHINGTON NAVY YARD BLDG 210
901 M STREET SE
WASHINGTON DC 20398-5540

COMSCINST 4380.1D
N00B/N10
18 April 1997

COMSC INSTRUCTION 4380.1D

Subj: **MILITARY SEALIFT COMMAND SMALL BUSINESS PROGRAM**

Ref: (a) Federal Acquisition Regulation (FAR) Part 19
(b) DOD FAR Supplement (DFARS) Part 219
(c) Navy Acquisition Procedures Supplement (NAPS) Part 5219
(d) SECNAVINST 4380.8

Encl: (1) DD Form 2579, Small Business Coordination Record

1. Purpose. To prescribe definitive policies, procedures and responsibilities for the implementation of an effective Small Business Program at Military Sealift Command (MSC).
2. Cancellation. COMSCINST 4380.1C.
3. Applicability. This instruction applies to MSC contracting offices awarding contracts to be performed in the United States, its territories and possessions, Puerto Rico, the Trust Territory of the Pacific Islands and the District of Columbia.
4. Policy. It is the policy of MSC to place a fair proportion of its acquisitions with small and small disadvantaged business concerns. Every effort should be made by contracting and other personnel to encourage participation by small business and small disadvantaged business concerns in MSC procurements. MSC contracting offices are responsible for the effective implementation of the Small Business and Small Disadvantaged Business Utilization Program for the accomplishment of program goals. All MSC personnel responsible for acquisition planning, contracting and establishing technical requirements shall be fully cognizant of Small Business Program requirements and implement the policy contained in references (a) through (d) as well as this instruction.
5. Organization
 - a. The Associate Director of Small Business at MSC Headquarters (Code N00B) is responsible for directing, coordinating and implementing the Small Business Program for MSC. In accordance with NAPS 5219.201 (S-90), review of the Small Business Program will normally be a part of the Procurement Management Review Program. The Associate Director for Small

18 April 1997

Business may on occasion visit MSC contracting offices to review the operation of the Small Business Program.

b. That person appointed to administer the MSC Small Business Program is identified as the Small and Disadvantaged Business Utilization (SADBU) specialist. The SADBU specialist, as required by DFARS 219.201(d)(i), is responsible directly to the appointing authority and not subject to the direction of contracting, contract administration or technical personnel in matters pertaining to the implementation of the Small Business Program. The Associate Director of Small Business serves as the SADBU specialist for MSC offices in the Washington DC metropolitan area and is responsible directly to the Assistant Deputy Commander for Business Operations (N03).

c. N00B shall designate a person as the SADBU at N10 East and N10 West to be responsible for directing, coordinating and implementing the Small Business Program within their area.

6. Action

a. The SADBU specialist serves as the focal point for counseling and assisting small and small disadvantaged business concerns relative to prime and subcontracting procurement matters and performs the duties set forth in FAR 19.4, DFARS 219.201(d), and references (c) and (d). The COMSC SADBU (N00B) should be informed of any potential small business problem areas and/or consulted for assistance in fulfilling the objectives of the Small Business Program.

b. Participation of small business concerns in prime contracting shall be maximized by using set-asides wherever appropriate. Where small firms lack the potential to submit bids or proposals for the total requirement, a partial set-aside and preferential consideration for small disadvantaged business concerns should be considered.

c. For contracts in excess of \$10,000, DFARS 219.201(c)(9) requires the SADBU to review and make a set-aside recommendation for all acquisitions except small business, small purchase set-asides. The SADBU specialist uses enclosure (1) to document set-aside recommendations. FAR 19.505, DFARS 219.505 and NAPS 5219.505 detail procedures for contracting officer disagreement with the recommendation of the SADBU specialist regarding a small business set-aside for an individual acquisition or class of acquisitions or a portion thereof.

d. Prior to synopsisizing or issuing a solicitation in instances where a synopsis is not required, the contracting officer, requiring code and SADBU specialist will review the requirement for suitability for a set-aside determination. Prior to issuing a solicitation, the SADBU specialist will provide a list of suggested sources for that requirement, as practicable, to the contracting officer.

e. If the SADBU specialist, requiring code and the contracting officer determine that the requirement is suitable for inclusion in the 8(a) Program of the Small Business Administration (SBA), the SADBU specialist or the Contracting Officer (after consulting with the SADBU specialist) will prepare an offering letter to notify the SBA Regional Office of the requirement.

18 April 1997

The offering letter shall include a date, agreed to by the SADBUs and the Contracting Officer, for the SBA to accept or reject the requirement. If the SBA fails to respond within the deadline, the requirement may be withdrawn if deemed appropriate. Additional procedures for evaluating requirements, preparing offering/notices to SBA and acceptance by SBA are contained in FAR 19.8, DFARS 219.8 and NAPS 5219.8.

f. To enhance the participation of small and small disadvantaged firms as subcontractors on MSC contracts, the SADBUs specialist shall:

(1) Assist the contracting officer in the review of subcontracting plans and past performance in contracting to small and small disadvantaged business concerns, in accordance with FAR 19.705-4 and 19.705-6 and DFARS 219.705-4 and 219.706.

(2) Assist the contracting officer in bringing subcontracting program deficiencies or complaints to the attention of the contractor's employee responsible for administering 2-4 the subcontracting plan with recommendations for corrective action. Contracting Officers at the Area Commands and their Deputies for Small Business shall refer unresolved small business problems to COMSC (N00B) for assistance in resolution.

(3) Ensure that participation of small business concerns is accurately measured, promptly reported and that copies of subcontract reports, SF 294 and 295, are forwarded to COMSC (N00B).

(4) Maintain liaison and participate with federal, state and authorized local agencies, (i.e., chambers of commerce, industrial associations, etc.) in activities that advise small firms on procedures for obtaining Government prime or subcontract work.

(5) Develop and maintain a centralized source list of all eligible and qualified concerns that have submitted acceptable solicitation mailing list applications (SF 129s) or that appear from other representations to be qualified, acting as a point of contact between prospective contractors, contracting personnel and the SBA.

g. Technical and requirements personnel should consider procurement of supplies or services in a manner which will broaden participation and properly use the capabilities of small business and small disadvantaged business concerns. Examples of ways to enhance small business opportunities include:

(1) Providing complex or costly equipment as Government furnished equipment; and

(2) Describing scope of work to provide line items for multiple awards allowing small firms to bid (offer) on line items within their capability.

h. Judgment of the capacity and credit resources of prospective small business contractors shall be accomplished in conjunction with the SBA. The SBA has statutory authority to certify the competency of any small business concern as to capacity and credit. When a small business lacks certain elements of responsibility, the contracting officer shall follow DFARS 219.602 to

COMSCINST 4380.1D

18 April 1997

notify the contracting office's SADBUs specialist and the contractor of its right to request that SBA issue a Certificate of Competency (COC). Subject to the appeal procedures in FAR 19.602-3, the issuance of a COC by SBA shall be accepted as conclusive evidence of a prospective contractor's responsibility.

i. The SADBUs specialist monitors and reports on the command's progress in attaining established small business and small disadvantaged business goals and recommends action to correct errors/deficiencies.

j. In accordance with the guidelines detailed in references (b) and (c), the SADBUs specialist supports the administrative contracting officer (ACO) by periodically visiting contractors to review implementation of small business and small disadvantaged business subcontracting programs and provides written assessment to the contracting officer.

k. Contracting officers shall ensure that subcontracting plans contain the required information, goals and assurances in accordance with FAR 19.704 and DFARS 219.704 and that an acceptable plan is incorporated into the contract as required by FAR 19.705-5(a)(5). Contracting officers should use the SADBUs specialist to assist in reviewing subcontracting plans and contractors' compliance with their plans.

7. Forms. Supplies of DD Form 2579, SF 294 and 295 are obtainable through normal Navy supply system channels.

Distribution:

COMSCINST 5000.19

List I (Case A, B)

SNDL 41B (MSC Area Commanders)

JTMO

18 April 1997

SMALL BUSINESS COORDINATION				REPORT CONTROL SYMBOL			
1. CONTROL NO. (Optional)		2. PURCHASE REQUEST NO./REQUISITION NO.		3. TOTAL ESTIMATED VALUE (including options)		4. SOLICITATION NO./CONTRACT MODIFICATION NO.	
5. BUYER							
a. NAME (Last, First, Middle Initial)				b. OFFICE SYMBOL		c. TELEPHONE (Include Area Code)	
6. ITEM DESCRIPTION (including quantity)						6a. FEDERAL SUPPLY CLASS SERVICE (FSC/SVC) CODE	
7. TYPE OF COORDINATION (X one)							
a. INITIAL CONTACT		b. MODIFICATION		c. WITHDRAWAL			
8. SMALL BUSINESS SIZE STANDARD							
a. STANDARD INDUSTRY CODE (SIC)		b. NO. OF EMPLOYEES		c. DOLLARS			
9. RECOMMENDATION (X as applicable) (if all recommendations are "No," explain in Remarks.)							
YES		NO					
a. SECTION 8(A) (X one)							
(1) Competitive				(2) Sole Source			
b. SMALL DISADVANTAGED BUSINESS (SDB) SET-ASIDE							
c. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/ MINORITY INSTITUTIONS (HBCU/MI) SET-ASIDE (List percentage %)							
d. SMALL BUSINESS (SB) SET-ASIDE (List percentage %)							
e. EMERGING SMALL BUSINESS SET ASIDE							
f. EVALUATION PREFERENCE FOR SDBs							
g. SMALL BUSINESS - SMALL PURCHASE (SP-SP) SET ASIDE							
10. ACQUISITION HISTORY (X one)							
a. FIRST TIME BUY							
b. PREVIOUS ACQUISITION (X all that apply)							
(1) Section 8(A)							
(2) SCB Set-Aside							
(3) HBCU/MI Set-Aside							
(4) SB Set-Aside							
(5) SB - SP Set Aside							
(6) Other (Specify)							
(7) Two or more responsive SB offers on prior acquisition							
(8) One or more responsive SDB offer(s) within 10% or award price of prior acquisition.							
11. SB PROGRESS PAYMENTS (X one)				12. SUBCONTRACTING PLAN REQUIRED (X one)			
a. YES		b. NO		a. YES		b. NO	
13. SYNOPSIS REQUIRED (X one)							
a. YES				b. NO (If "NO," cite FAR 5.202 exception)			
14. REMARKS							
15. REVIEWED BY SMALL BUSINESS ADMINISTRATION (SBA) REPRESENTATIVE							
a. NAME (Last, First, Middle Initial)							
b. SIGNATURE				c. DATE SIGNED (YYMMDD)			
16. LOCAL USE							
17. CONTRACTING OFFICER (X one)							
a. CONCURS				b. REJECTS			
c. RECOMMENDATIONS (Document rejections on reverse side)							
d. NAME (Last, First, Middle Initial)							
e. SIGNATURE				f. DATE SIGNED (YYMMDD)			
18. SMALL BUSINESS SPECIALIST (X one)							
a. CONCURS				b. APPEALS			
NOTE: Any changes in the acquisition plan this coordination record describes will require return for evaluation by the SB specialist.							
c. NAME (Last, First, Middle Initial)							
d. SIGNATURE				e. DATE SIGNED (YYMMDD)			

DD Form 2579, MAY 91

Enclosure (1)