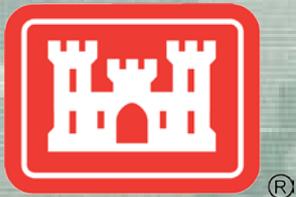


Contracting and the Small Business Office

- *Curtis Cole, Chief of Execution Branch
- *Kenneth Adams, Deputy for Small Business Programs
- *Galveston District
- *October 26, 2011



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What's New!

Presumption of Loss (Proposed Rules)

- Relates to a concern who willfully sought and received a small business award by misrepresentation.
- Establishes a presumption of loss equal to the value of the contract or other instrument when a concern willfully seeks and receives an award by misrepresentation.
- Concern may still keep the award
- Concerns that fail to update their size or status in the Online Representations and Certifications Application (ORCA) database (or any successor thereto) at least annually shall no longer be identified in the database as small or some other socioeconomic status, until the representation is updated.
- Comments are due November 7, 2011



Subcontracting Plan Requirements (Proposed Rules)

- A prime contractor must notify the Contracting Officer in writing whenever the prime contractor does not utilize a subcontractor used in preparing its bid or proposal.
- A prime contractor must notify a Contracting Officer in writing whenever the prime contractor reduces payments to a subcontractor or when payments to a subcontractor are 90 days or more past due.
- The Contracting Officer is responsible for monitoring and evaluating small business subcontracting plan performance.
- Requires the Contracting Officer to review subcontracting plan reports within 60 days of the report ending date.
- Contracting Officer must require an updated subcontracting plan when an option is exercised.



Subcontracting Plan Requirements (Proposed Rules) Cont..

- Contracting Officer must require a subcontracting plan if the value of a mod causes the value of the contract to exceed the subcontracting threshold.
- Contracting Officer may require a subcontracting plan if a firm's size status changes from small to other than small as a result of a size recertification.
- Comments Due December 5, 2011



Subcontracting Plans

Reminder: When submitting your ISR and SSR's, explain why your company is where you are on the goals awarded vs. the goals proposed. No explanation could possibly demonstrate lack of good faith when goals are not being met.

