



MAY 9 2013

ACQUISITION LETTER MV-13-03

MEMORANDUM FOR GSA CONTRACTING ACTIVITIES

FROM: STEVEN J. KEMPF  
ACTING SENIOR PROCUREMENT EXECUTIVE (MV)

SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation –  
Removal of Dollar Limitation for Set-asides under the Women-  
Owned Small Business (WOSB) Program

1. Purpose. This letter notifies GSA contracting officers of a FAR Class Deviation for the Women-Owned Small Business Program.
2. Background. On May 7, 2013, the Small Business Administration (SBA) issued an Interim Final Rule implementing Section 1697 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013, Public Law 112-239. The interim rule removed the dollar limitation for set-asides under the Women-Owned Small Business (WOSB) Program.

Section 1697 amended section 8(m) of the Small Business Act (15 U.S.C. 637(m)) by removing the dollar limitations for set-asides for Economically Disadvantaged Women-Owned Small Business (EDWOSB) and WOSB concerns eligible under the Small Business Administration's Women-Owned Small Business Federal Contract Program.

On May 7, 2013, the Civilian Agency Acquisition Council (CAAC) advised civilian agencies regarding their authority to issue a class deviation. This action was in advance of the FAR rule to implement Section 1697 of the NDAA for FY 2013, Public Law 112-239.

3. Effective Date. This Acquisition Letter is effective upon date of signature.
4. Termination Date. This Acquisition Letter remains in effect until incorporated into the FAR.

5. Instructions. Based on the deviation's changes to FAR 19.1505(b) and (c), GSA contracting officers may restrict competition under the WOSB Program at any dollar level, provided the other requirements for a set-aside under the WOSB Program are met.

Any questions or concerns regarding this Acquisition Letter should be directed to Kathy Rifkin, Procurement Analyst, General Services Acquisition Policy Division, at (816) 823-2170 or [Kathy.Rifkin@gsa.gov](mailto:Kathy.Rifkin@gsa.gov).

Attachment

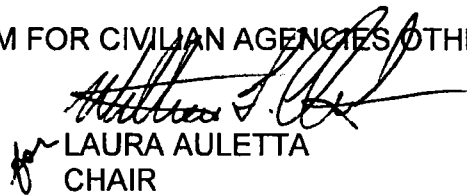


CIVILIAN AGENCY ACQUISITION LETTER 2013-03

May 7, 2013

MEMORANDUM FOR CIVILIAN AGENCIES OTHER THAN NASA

FROM:



LAURA AULETTA  
CHAIR

CIVILIAN AGENCY ACQUISITION COUNCIL (CAAC)

SUBJECT:

Class Deviation from the Federal Acquisition Regulation (FAR)  
to Remove the Dollar Limitation for Set-asides under the Women-  
owned Small Business (WOSB) Program

Section 1697 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013, Public Law 112-239, amended section 8(m) of the Small Business Act, (15 U.S.C. 637(m)) by removing the dollar limitations for set-asides to an economically disadvantaged women-owned small business (EDWOSB) or WOSB eligible under the Small Business Administration's (SBA) Women-owned Small Business Federal Contract Program. Section 1697 became effective January 2, 2013. SBA issued its interim final rule on May 07, 2013, at 78 FR 26504, conforming SBA regulations to section 1697, by revising 13 C.F.R. 127.503(a)(2) and 127.503(b)(2).

An interim FAR rule will be issued in the next Federal Acquisition Circular, as FAR Case 2013-010, amending FAR 19.1505(b) and (c) to remove the dollar limitations on the anticipated award price of a contract to an EDWOSB or WOSB concern eligible under the WOSB Program. As a result, contracting officers may restrict competition under the WOSB Program at any dollar level, provided the other requirements for a set-aside under the WOSB Program are met. Pending issuance of the interim FAR rule, agencies may authorize a class deviation in accordance with FAR 1.404 to authorize set-asides in accordance with the change to FAR 19.1505(b) and (c) (See Attachment 1).

This CAAC memorandum constitutes consultation with the Chair of the CAAC required by FAR 1.404(a)(1). Agencies are reminded that FAR 1.404 requires agencies to furnish a copy of each approved class deviation to the FAR Secretariat, General Services Administration, Regulatory Secretariat (MVCB), 1275 First Street, NE, 7<sup>th</sup> Floor, ATTN: Hada Flowers, Washington, DC, 20417. Agencies may also email the deviation to Ms. Flowers at [hada.flowers@gsa.gov](mailto:hada.flowers@gsa.gov) or send by fax to 202-501-4067.

If you have questions or require additional information regarding this memorandum, please contact Karlos Morgan at (202) 501-2364, or by email at [karlos.morgan@gsa.gov](mailto:karlos.morgan@gsa.gov).

**Change to FAR 19.505(b) and (c) - Class Deviation  
May 7, 2013 - Pursuant to CAAC Letter 2013-003**

**Subpart 19.15-Women-Owned Small Business (WOSB) Program**

**19.1505 Set-aside procedures.**

(a) The contracting officer-

(1) Shall comply with 19.203 before deciding to set aside an acquisition under the WOSB Program.

(2) May set aside acquisitions exceeding the micro-purchase threshold for competition restricted to EDWOSB concerns or WOSB concerns eligible under the WOSB Program in those NAICS codes in which SBA has determined that WOSB concerns eligible under the WOSB program are underrepresented or substantially underrepresented in Federal procurement, as specified on SBA's Web site at <http://www.sba.gov/WOSB>.

(b) For requirements in NAICS codes designated by SBA as underrepresented, a contracting officer may restrict competition to EDWOSB concerns if the contracting officer has a reasonable expectation based on market research that-

(1) Two or more EDWOSB concerns will submit offers for the contract; **[and]**

~~(2) The anticipated award price of the contract (including options) does not exceed \$6.5 million, in the case of a contract assigned an NAICS code for manufacturing; or \$4 million, for all other contracts; and~~

~~(3)~~ Contract award will be made at a fair and reasonable price.

(c) A contracting officer may restrict competition to WOSB concerns eligible under the WOSB Program (including EDWOSB concerns), for requirements in NAICS codes designated by SBA as substantially underrepresented if there is a reasonable expectation based on market research that-

(1) Two or more WOSB concerns eligible under the WOSB Program (including EDWOSB concerns), will submit offers; **[and]**

~~(2) The anticipated award price of the contract (including options) will not exceed \$6.5 million, in the case of a contract assigned an NAICS code for manufacturing, or \$4 million for all other contracts; and~~

~~(3)~~ Contract award may be made at a fair and reasonable price.