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TITLE: CIB 99-5 Waiver of the Synopsis Requirement of Federal Acquisition Regulation (FAR) 5.2 for Small Dollar Acquisitions for Services

March 25, 1999

MEMORANDUM FOR ALL CONTRACTING OFFICERS AND NEGOTIATORS

TO: Distribution List FAC

FROM: M/OP/P, Marcus L. Stevenson, Procurement Executive

SUBJECT: Waiver of the Synopsis Requirement of Federal Acquisition Regulation (FAR) 5.2 for Small Dollar Acquisitions for Services

CONTRACT INFORMATION BULLETIN 99 - 5

The Office of Federal Procurement Policy (OFPP) issued a memorandum dated July 28, 1998 to agency senior procurement executives stating that the OFPP and the Small Business Administration were considering ways for agencies to streamline smaller dollar acquisition of services and to increase opportunities for small business contractors. One method that they encouraged was for agencies to issue class waivers from FAR Subpart 5.2 when acquiring services in smaller amounts from small businesses. Further, they felt that waivers would be appropriate when the following circumstances are met:

(a) acquisition is for services (excluding those exempted from set-sides under the Small Business Competitiveness Program) in amounts over \$25,000, but not exceeding the simplified acquisition threshold (SAT), of which supply items are expected to constitute less than 20 percent of the total value of the contract;

(b) the acquisition will be set aside for small businesses;

(c) quotes or offers will be solicited from a minimum of five small business concerns;

(d) SBA's PRO-Net will be used to identify and solicit a minimum of five small business, which will include, if available, at least one small disadvantaged and one women-owned firm;

(e) if practicable, two sources not included in the previous solicitation for the same services will be solicited.

I have approved a class deviation based on these conditions on January 25, 1999. It will expire in two years. A copy the deviation is attached.

If you have any questions concerning the above, please contact M/OP/P at(202) 712-0610.

Attachment: a/s

**DETERMINATION TO WAIVE THE SYNOPSIS REQUIREMENTS OF
FEDERAL ACQUISITION REGULATION (FAR) SUBPART 5.2**

1. The requirement in FAR Subpart 5.2 to provide widespread notice and, generally, a 45-day notice-and-wait period for all new procurement actions between \$25,000 and the simplified acquisition threshold (SAT) limits the efficiency of U.S. Agency for International Development's procurement process by requiring the evaluation of a potentially large number of offerors. Many of these offerors may not be highly competitive. As a result, even though small businesses have demonstrated their ability to be competitive for many types of services, the synopsis requirement often makes it unreasonable or inappropriate to take advantage of the services that competitive small business contractors can offer in this dollar range.

2. It is therefore appropriate to waive the notice requirements under the following circumstances:

(a) the acquisition is for services (excluding those exempted from set-asides under the Small Business Competitiveness Demonstration Program) in amounts over \$25,000, but not exceeding the SAT, of which supply items are expected to constitute less than 20 percent of the total value of the contract;

(b) the acquisition will be set aside for small businesses;

(c) quotes or offers will be solicited from a minimum of five small business concerns;

(d) SBA's PRO-Net will be used to identify and solicit a minimum of five small businesses, which will include, if available, at least one small disadvantaged and one women-owned firm;

(e) if practicable, two sources not included in the previous solicitation for the same services will be solicited.

3. Pursuant to FAR 5.202(b) I hereby determine that the advance notice requirements of FAR Subpart 5.2 are inappropriate and should be waived when the circumstances in paragraph 2 are present. This determination is effective October 1, 1998, subject to consultation with the Administrator of the Office of Federal Procurement Policy and the Administrator of the Small Business Administration.

Marcus L. Stevenson
Procurement Executive