



PREP ASSIGNMENT
SEASON 2023, EPISODE 13
FAR PARTS 19 & 26:
SMALL BUSINESSES AND OTHER SPECIAL
CONCERNS

Preparation Assignment (20 points each)

Fill In the Blank Questions:

1. The *contracting officer shall* determine the appropriate *NAICS Code* by classifying the product or service being acquired in the *One Industry* that best describes the *Principle* purpose of the supply or service being acquired. Primary consideration is given to the *Industry Descriptions* in the U.S. NAICS Manual, the *product of service* descriptions in the solicitation, the *relative value* and importance of the *compentents* of the requirement making up the *end item* being procured, and the *functions* of the goods or services being purchased.
[Hint: Check out **FAR 19.102**]
2. The *contracting officer shall* accept an *offeror's* representation in a specific bid or proposal that it is a *small business* unless
 - (1) another offeror of interested party challenges the concern's small business or
 - (2) *the contracting officer has a reason to question the representations.*[Hint: Check out **FAR 19.301-1**]
3. In determining whether a contractor failed to make a *good faith effort* to comply with its *subcontracting plan*, a *contracting officer must* look to the *totality of the contractor's actions*, consistent with the *information* and *insurance* provided in its plan. [Hint: Check out **FAR 19.705-7**]
4. Determining the eligibility of a *Small Business* to be a participant in the *8(a)* program is the responsibility of the *SBA*. [Hint: Check out **FAR 19.802**]
5. *Indian organizations* and *Indian-owned* economic enterprises shall have the *maximum organizations* opportunity to participate in performing contracts awarded by Federal agencies. In fulfilling this requirement, the *Indian Incentive Program* allows an incentive payment equal to *5 Percent* of the amount paid to a subcontractor in performing the contract, if the contract so authorizes and the subcontractor is an *Indian Organization* or *Indian-owned economic enterprise*.
[Hint: Check out **FAR 26.1**]

"Look 'Em Ups" (Enter the FAR cite and Answer)

1. What facts must a contractor present in a certification /representation to the Government to prove that it is an offeror "residing or primarily doing business in a disaster or emergency area and, thus, eligible to receive a special set-aside for work performed in that area?"

Commented [SD1]: FAR 52.226-3

An *offeror* is considered to be residing or primarily doing business in the set-aside area if, during the last twelve months-

- (1) The *offeror* had its main operating office in the area; and
- (2) That office generated at least half of the *offeror's* gross revenues and employed at least half of the *offeror's* permanent employees.

FAR 52.226-3

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2. What is the difference between a “commercial” subcontracting plan and an “individual” subcontracting plan’?

Commercial plan means a subcontracting plan (including goals) that covers the offeror's fiscal year and that applies to the entire production of commercial products and performance of commercial services sold by either the entire company or a portion thereof (e.g., division, plant, or product line).

Individual subcontracting plan means a subcontracting plan that covers the entire contract period (including option periods), applies to a specific contract, and has goals that are based on the offeror's planned subcontracting in support of the specific contract, except that indirect costs incurred for common or joint purposes may be allocated on a prorated basis to the contract.

FAR Question: What relief/incentive does the Government provide to contractors who wish to donate excess food to non-profit organizations the provide assistance to “food-insecure” people in the United States? For an additional 20 “fun” points, under what specific types of subcontracts is a prime contractors required to offer this same relief/incentive to its subcontractors?

FAR 26.403(a)(3)

An *executive agency* (including an *executive agency* that enters into a contract with a contractor) and any contractor making donations pursuant to this Act *shall* be exempt from civil and criminal liability to the extent provided under the Bill Emerson Good Samaritan Food Donation Act ([42 U.S.C. 1791](#)).

FAR 52.226-6(e)

Subcontracts. The Contractor *shall* insert this clause in all contracts, *task orders, delivery orders, purchase orders*, and other similar instruments that exceed the threshold specified in Federal Acquisition Regulation [26.404](#) on the date of subcontract award with its subcontractors or suppliers, at any tier, who will perform, under this contract, the provision, service, or sale of food in the *United States*.

FUN Question: Speaking of food, one of my favorite sophomoric/comedy movies involves a “food fight” at Faber College. What is the name of that movie? For an additional 20 “fun” points, tell me the name of the character who started the food fight.

Animal House

John (Bluto) Blutarski played by John Belushi