

52.219-7 Notice of Partial Small Business Set-Aside.

As prescribed in 19.507(d), insert the following clause:

Notice of Partial Small Business Set-Aside (Nov 2020)

(a) *Definition. Small business concern*, as used in this clause—

(1) Means a concern, including its *affiliates*, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the size standards in this *solicitation*.

(2) *Affiliates*, as used in paragraph (a)(1) of this clause, means business concerns, one of whom directly or indirectly controls or has the power to control the others, or a third party or parties control or have the power to control the others. In determining whether affiliation exists, consideration is given to all appropriate factors including common ownership, common management, and contractual relationships. SBA determines affiliation based on the factors set forth at 13 CFR 121.103.

(b) *Applicability*. This clause applies only to contracts that have been partially set aside for small business concerns.

(c) General.

(1) A portion of this requirement, identified elsewhere in this *solicitation*, has been set aside for award to one or more small business concerns identified in 19.000(a)(3). *Offers* received from concerns that do not qualify as small business concerns *shall* be considered nonresponsive and *shall* be rejected on the set-aside portion of the requirement.

(2) Small business concerns *may* submit *offers* and compete for the non-set-aside portion and the set-aside portion.

(d) The *Offeror shall*—

[*Contracting Officer check as appropriate.*]

Submit a separate *offer* for each portion of the *solicitation* for which it wants to compete (i.e. set-aside portion, non-set-aside portion, or both); or

Submit one *offer* to include all portions for which it wants to compete.

(e) *Partial set-asides of multiple-award contracts*.

(1) Small business concerns will not compete against other than small business concerns for any order issued under the part or parts of the *multiple-award contract* that are set aside.

(2) Small business concerns *may* compete for orders issued under the part or parts of the *multiple-award contract* that are not set aside, if the small business concern received a contract award for

the non-set-aside portion.

(End of clause)

Alternate I (Mar 2020) . As prescribed in 19.507 (d), add the following paragraph (f) to the basic clause:

(f) Notwithstanding paragraph (c) of this clause, *offers* from Federal Prison Industries, Inc., will be solicited and considered for both the set-aside and non-set-aside portion of this requirement.

Parent topic: 52.219 [Reserved]