



DEPARTMENT OF THE ARMY
U.S. ARMY MEDICAL RESEARCH AND MATERIEL COMMAND AND FORT DETRICK
810 SCHREIDER STREET, SUITE 200
FORT DETRICK, MD 21702-5000

MCMR-AAU

8 AUG 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Memorandum 2011-68, U.S. Army Medical Research and Materiel Command (USAMRMC) and Fort Detrick Office of Small Business Programs (OSBP)

1. References:

a. Department of Army Policy 02-11; The Army Small Business Program, 18 March 2011 (Encl).

b. DoDD 4205.1, DoD Small Business Programs, 10 March 2009.

2. History: This is a new policy.

3. Purpose:

a. Provide information and guidance for implementing the Small Business (SB) Program's statutory and regulatory requirements within the USAMRMC and Fort Detrick. The term "SB Program" includes the SB, Veteran-Owned, Service-Disabled Veteran-Owned, Historically Underutilized Business Zone, Small Disadvantaged Business, Women-Owned, Historically Black Colleges and Universities and Minority Institutions (HBCU/MI), Department of Defense (DoD) Pilot Mentor-Protégé Program, and the Native American Incentive Program.

b. Implement authority (Section 252 of the National Defense Authorization Act for Fiscal Year 2010) to enhance participation of covered institutions (HBCU/MI) in defense research programs.

c. Provide information and guidance for implementing Department of Army (DA) Policy Letter 02-11. The DA Policy Letter 02-11 establishes the criteria for the appointment in writing of full-time SB personnel. Contracting activities whose total annual purchases exceed \$100 Million for U.S. business concerns shall appoint full-time SB personnel, which shall not be subject to the control or direction of contracting or technical personnel. Full-time SB personnel shall report directly to, and be supervised and rated by, the Head of Contracting Activity or second in command, and shall perform the SB Specialists' functions at that activity.

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SUBJECT: Command Policy Memorandum 2011-68, U.S. Army Medical Research and Materiel Command (USAMRMC) and Fort Detrick Office of Small Business Programs (OSBP)

4. Applicability: This policy is in accordance with DoDD 4205.1, and DA Policy Letter 02-11.

5. Definitions: See Enclosure.


6. Policy: The USAMRMC and Fort Detrick OSBP is committed to maximizing SB opportunities in support of the warfighter as the U.S. Army continues to transform. We will continue to empower, educate, and encourage small business firms to compete for procurements that they can perform to the extent consistent with the Government's interest.

7. Responsibilities: See Enclosure.

8. Effective Date: This policy is effective the day it is signed.

9. The point of contact for policy is the Associate Director, Office of Small Business Programs, 301-619-2471 or DSN 343-2471.

Encl
as


JAMES K. GILMAN
MG, MC
Commanding General

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DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
OFFICE OF SMALL BUSINESS PROGRAMS
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MEMORANDUM FOR Head of Contracting Activities

SUBJECT: Policy Letter 02-11; The Army Small Business Program

1. References: See Enclosure 1

2. Purpose.

a. The first purpose of this policy is to provide information and guidance in support of the Army Small Business Program. The terms "Small Business Program" and "Small Business" cover (1) through (7) below. An acronym dictionary is provided at Enclosure 2.

- (1) Small Business (SB)
- (2) Veteran-Owned Small Business (VOSB)
- (3) Service-Disabled Veteran-Owned Small Business (SDVOSB)
- (4) Historically Underutilized Business Zone Small Business (HUBZone)
- (5) Small Disadvantaged Business (SDB)
- (6) Women-Owned Small Business (WOSB)
- (7) Historically Black Colleges and Universities and Minority Institutions (HBCU/MI)*
- (8) DOD Pilot Mentor-Protégé (MP)

* Section 252 of the National Defense Authorization Act for Fiscal Year 2010 authorized the Department of Defense to establish a program to enhance participation of Historically Black Colleges and Universities and Minority-Serving Institutions in defense research programs.

b. The second purpose of this policy is to provide information and guidance for implementing Department of Defense Directive (DODD) 4205.01, to include the appointment and waiver procedures for full-time small business personnel.

3. Other Programs. Programs not listed in 2. Above, such as Ability One and non-appropriated fund procurements, are not under the cognizance of the Army Office of Small Business Programs (OSBP) and should be referred to the office with responsibility for that mission.

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4. Application. DODD 4205.01 establishes the policy and procedures for implementing and managing the Small Business Program.

a. It has applicability to activities that award or administer contracts, and requires all contracting activities to have a Small Business Programs Office. This policy applies to functions involved in the acquisition process (including program management, technical development, engineering, requirements, contracting, and research and development) and the human resource management process for contracting and acquisition professionals (such as education, training, and recruitment).

b. Of particular importance is the appointment of small business personnel. In support of DODD 4205.01, this Policy Letter establishes a contract award threshold for appointment in writing of full-time small business personnel at those contracting activities whose total annual purchases with U.S. business concerns (large and small) exceed \$100 million and requires that full-time small business personnel report to the commander or the deputy (second in command). Full-time small business personnel will not be subject to the control or direction of contracting, contract management or technical personnel, and commander or the deputy (second in command) are responsible for performance plans and evaluations.

5. Duties and Responsibilities of the Director of the OSBP, Office of the Secretary of the Army (hereafter referred to as "Director OSBP"). Director OSBP is the principal advisor to the Secretary of the Army and the Under Secretary of the Army on all assigned Small Business Programs. The mission of the OSBP is to develop, implement, and oversee policy and management of the Army Small Business Programs. In accordance with Headquarters, Department of the Army General Orders #3, the Army Small and Disadvantaged Business Utilization (herein further addressed as the OSBP), oversees Army small business functions.

a. The Director OSBP, reports to the Secretary of the Army and the Under Secretary of the Army, and is the senior advisor on all Small Business Program matters. The Director, OSBP, is responsible for developing policies for implementation of programs designed to afford opportunities to small businesses, including all categories referenced in 2.a. above.

b. Develops, implements, and oversees policy and management of the Army Small Business Programs in cooperation with the Assistant Secretary of the Army for Acquisition, Logistics and Technology (ASA(ALT)) to ensure the effective execution of

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the Small Business Program. Develops targets and initiatives for the Small Business Program; monitors performance through established metrics; and performs a mid-year review and an annual assessment of each program's accomplishments.

c. Reviews, provides recommendations, and coordinates on proposed job offers, appointments, performance elements, standards, and appraisals for command Associate Directors of Small Business Programs (AD), and for Army Materiel Command (AMC) the Director of the AMC Small Business Office, who serve as principal staff assistants and advisors to the commander or the deputy (second in command) Army Command (ACOM), including AMC, Army Service Component Commands (ASCC), and Direct Reporting Units (DRU) with delegated contracting authority, including Headquarters AMC, and Program Executive Officers (PEO).

d. Receives and rules on all appeals from the Small Business Administration.

e. Represents the Army with counterpart offices in the Office of the Secretary of Defense, Defense agencies, and other Federal agencies. Consults on a regular basis with Army and Department of Defense acquisition managers, representatives of the Small Business Administration, congressional representatives, and other executive agencies.

6. Duties and responsibilities of the ACOM, ASCC, and DRU with delegated contracting authority, including Headquarters AMC.

a. Implement the Small Business Program within their commands; including the establishment of program targets and initiatives. Reporting dates to Army OSBP are 1 May (mid-year) and 1 December (end of fiscal year) in accordance with Army guidance. These reports describe the command's qualitative and quantitative achievements in pursuit of small business targets and initiatives, and include a report on the staffing resources allocated to execution of the Small Business Program.

b. Ensure that acquisition and technical personnel maintain knowledge of

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Small Business Program requirements and take all reasonable actions to promote small business and HBCU/MI participation in the command's mission.

c. Pursuant to DODD 4205.01, the contract award threshold for appointment in writing of full-time small business personnel is established for Army contracting activities/offices whose total annual purchases with U.S. business concerns (large and small) exceed \$100 million.

d. Appoint, in writing, a full-time AD, GS-1102-15 equivalent, after prior consultation and approval of the Director OSBP. At a minimum, there will be an AD, Deputy AD, and administrative staff. The command AD manages the Small Business Program, reports directly to the commander or the deputy (second in command) on Small Business Program matters, and is at a grade level with sufficient authority and resources to interface with other staff functions and subordinate units. It should be the same grade as the Principal Assistant Responsible for Contracting. Commander or deputy commander means a military officer or member of the Senior Executive Service. Full-time small business personnel shall not be subject to the control or direction of contracting, contract management, or technical personnel, and commander or the deputy (second in command) are responsible for performance plans and evaluations, and shall refrain from asking contracting personnel for input for Individual Performance Plans, performance criteria, or ratings. Additionally, contracting personnel shall not have oversight or control of the AD's budget or mission funding. The senior contracting official at the activity/office and the AD should work in a synergistic manner to accomplish the Small Business Program and goals.

e. Provide the command AD with authority, and optimum staff and resources to perform their functions within the ACOM, ASCC, and DRU with delegated contracting authority, including Headquarters AMC.

f. There are circumstances which may justify a waiver to DODD 4205.01. Waivers are assigned an expiration date when an activity/office must either reach full compliance with the Directive or request another waiver. Detailed guidance is provided in paragraph 9 below.

g. As part of a military and civilian procurement internship program, establish a rotation with the Small Business staff.

7. Duties and responsibilities of the AD.

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a. Develop command policy, signed by each newly assigned commander or the deputy (second in command), to encourage maximum support of the Small Business Program. The policy must be approved and signed by the appointing authority, or reporting official, and forwarded to the Director OSBP.

b. Prepare and present to the Director, OSBP, a semi-annual and an annual small business assessment in accordance with paragraph 6.a. above.

c. Develop and manage the command small business and HBCU/MI Program Plan to achieve the command's targets and initiatives based on the goals assigned by the Director OSBP. Recommend to the appointing authority the activity/office's Small Business Program goals, including goal assignments to subordinate contracting offices; monitor the activity/office's performance against these goals; and recommend action to correct reporting errors/deficiencies.

c. Conduct annual reviews to ensure compliance with Federal Acquisition Regulation (FAR) 19, Defense FAR Supplement (DFARS) 219 and Army FAR Supplement (AFARS) 5119.

e. Work closely with and assist the unit competition advocate to ensure that potential small business opportunities, including all small business categories, are thoroughly explored.

f. Review and provide recommendations on proposed performance elements, standards, and evaluations for subordinate small business specialists/procurement analysts/contract specialists performing small business functions (also referred to as "small business personnel").

g. Prepare, review, and/or coordinate the command position on Section 8(a), Small Business Set-Aside, and Certificate of Competency secretarial appeals before forwarding to the Director OSBP, in addition to requirements to be reviewed by the Army System Acquisition Review Council and Army Service Strategy Panel.

h. Monitor source approval requests; participates in source development surveys; performs market surveys, and other source development activities as required to support the command Small Business Program.

i. Conduct and/or represent the command at procurement and outreach

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conferences in accordance with DFARS 219.201(e) (including participation in Government-industry conferences and regional interagency small business councils) designed to locate and develop information on the technical competence of small businesses or to improve the efficiency or effectiveness of the Small Business Programs.

j. As requested, respond to OSBP with substantive nominations for Department of Army award programs. Manage the on-going small business awards program. In the absence of a small business awards program, promptly establish it.

k. Coordinate Small Business Administration Surveillance Review visits with the Director OSBP and ensures corrective actions are in place for any cited deficiencies.

l. Participate in OSBP staff assistance reviews.

m. Work closely with the Deputy PEO/Program Manager who serves as the designated point of contact for small business and assist in drafting the small business strategy in support of each acquisition strategy in accordance with AFARS 5119.201(b)(i).

n. Provide advice and counsel to the commander or the deputy (second in command) on all small business matters and briefs the commander or the deputy (second in command) or the deputy (second in command) or the deputy (second in command) or the deputy (second in command) at least once quarterly, or more frequently as necessary, on program status.

o. Advise and assist program managers and other related officials early in the acquisition planning, and throughout the follow-on process, in the development of strategies and market research to ensure maximum participation by small businesses. In accordance with Public Law 100-656 Business Opportunity Development Reform Act of 1988, support efforts for making available a forecast of projected and anticipated contracting opportunities to the public at large.

p. Develop and implement education and training programs for personnel whose duties and functions affect the activity/office/office's small business and HBCU/MI programs.

q. Ensure that the contracting activity/office takes the necessary actions to implement small business and HBCU/MI programs.

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r. Advise and assist contracting, program manager, and requirements personnel on all matters that affect small businesses and HBCU/MI.

s. Aid, counsel, and assist small businesses in all categories, to include HBCU/MI, by providing:

(1) Advice concerning acquisition procedures; and

(2) Information regarding proposed acquisitions.

t. Assist small businesses in obtaining payments under their contracts, late payments, interest penalties, or information on contract payment provisions.

u. Provide assistance to contracting officers in determining the need for and the acceptability of subcontracting plans and assist administrative contracting officers (DFARS 219.706(a)(ii)) in evaluating, monitoring, reviewing, and documenting contract performance to determine compliance with subcontracting plans.

v. Participate in AD meetings conducted by the Director OSBP.

8. Duties and responsibilities of small business personnel. Appointment and functions of small business personnel are provided at DFARS 219.201(e), Procedures, Guidance, and Information 219.201(e).

9. Appointment and waiver of full-time small business personnel. DODD 4205.01 establishes the policy and procedures for implementing and managing the Small Business Program. Of particular importance is the appointment of small business personnel. In support of DODD 4205.01, this Policy Letter establishes a contract award threshold for appointment in writing of full-time small business personnel at those contracting activities whose total annual purchases with U.S. business concerns (large and small) exceed \$100 million and requires that full-time small business personnel report to the commander or the deputy (second in command). Commander or deputy commander means a military officer or member of the Senior Executive Service. Full-time small business personnel will not be subject to the control or direction of contracting, contract management or technical personnel, and commander or the deputy (second in command) are responsible for performance plans and evaluations.

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a. In accordance with DODD 4205.01, Enclosure 3, paragraph 4.e.(6), the Director OSBP shall review and provide, prior to their selection and appointment, concurrence with individual selections of all full-time ADs, Deputy ADs and headquarters small business staff, Assistant Directors, and other small business specialists/procurement analysts/contract specialists performing small business functions, at all levels within the Army, at contracting activities, contract management activities, subordinate activities, and direct reporting units, including HQ AMC. This review and concurrence process ensures that personnel appointed as ADs, Deputy ADs and headquarters small business staff, Assistant Directors, and small business specialists/procurement analysts/contract specialists performing small business functions possess the business acumen, exposure to the Small Business Program, knowledge of acquisition policies and procedures, training, and background to accomplish the Small Business Program policy, and are not subject to the control or direction of contracting, contract management, or technical personnel. Completion of the Defense Acquisition University courses CON 260A The Small Business Program, Part A, and CON 260B The Small Business Program, Part B is required within one year of appointment, and highly recommended for all acquisition personnel, as well. The transmittal memorandum to the Director OSBP should include details explaining why the candidate is qualified for selection. The appointment can only be made upon approval by the Director OSBP.

b. Commanders of each major subordinate command (MSC) whose annual contract obligations with U.S. business concerns (large and small) exceed \$100 million shall appoint a full-time Assistant Director of Small Business Programs at a grade level sufficient to interface with other staff functions and subordinate units, generally the same grade as the Principal Assistant Responsible for Contracting or the MSC Chief of Contracting, with authority and resources required to manage the program effectively within the MSC. The Assistant Director shall report to the commander or the deputy (second in command), and shall execute the Small Business Program functions at that activity.

c. Commanders of contracting offices reporting to MSCs whose annual contract obligations with U.S. business concerns (large and small) exceed \$100 million shall recruit a full-time small business specialist/procurement analyst/contracting specialist performing Small Business Program functions at a grade level sufficient to

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interface with other staff functions, generally the same grade as the Chief of Contracting, with authority and resources required to manage the program effectively within the activity. After concurrence by the Director OSBP, the AD will issue an Appointment Letter to the small business specialist/procurement analyst/contract specialist performing Small Business Program functions at contracting activities. Contracting offices whose annual contract obligations exceed \$300 million shall appoint a minimum of two full-time small business specialists/procurement analysts/contract specialists performing small business functions and a minimum of three full-time small business specialists/procurement analysts/contract specialists performing Small Business Program functions for offices that exceed \$700 million in contract obligations. Commanders of contracting offices whose Area of Responsibility exceeds 100,000 square miles shall appoint a minimum of two full-time small business specialists/procurement analysts/contract specialists performing small business functions. The small business specialists/procurement analysts/contract specialists performing small business functions shall report to the commander or the deputy (second in command), and shall perform the Small Business Program functions at that activity/office. Commander or deputy commander means a military officer or member of the Senior Executive Service.

d. For activities that do not exceed \$100 million, commanders of contracting offices/activities having geographically remote contracting branches shall appoint a part-time small business specialists/procurement analysts/contract specialists performing small business functions at each such remote branch. If the contracting office/activity as a whole, including geographically remote branches, has annual contract obligations with U.S. business concerns (large and small) that exceed \$100 million, the commander shall appoint a full-time small business specialists/procurement analysts/contract specialists performing small business functions, with authority and resources required to manage the program effectively within the activity and to oversee and assist the part-time small business specialists/procurement analysts/contract specialists performing small business functions.

e. There may be circumstances which justify a waiver to DODD 4205.01. This policy letter addresses the standards and expectations for preparing a waiver to this Directive for approval by the Director OSBP that ensures that the Army remains in full compliance with the spirit and intent of the Directive.

(1) Attached is a template that addresses the minimum requirements

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that must be included in any waiver requests submitted for review and consideration for approval.


(2) Any waiver that is approved will be assigned an expiration date one year from the date that it is approved when an activity/office must either reach full compliance with the Directive or request another waiver.

(3) The part-time small business specialists/procurement analysts/contract specialists performing small business functions shall not be subject to the control or direction of contracting, contract management, or technical personnel, and the commander or the deputy (second in command) is responsible for performance plans and evaluations for small business specialists/procurement analysts/contract specialists performing small business functions. In accordance with AFARS 5119.201(e)(c), where a part-time small business specialists/procurement analysts/contract specialists performing small business functions is appointed, they should be the chief of the contracting office.

(4) If a waiver is granted, Small Business Program functions take priority among all other duties.

10. The point of contact for this action is Ms. Suellen Jeffress, telephone 703-697-2868 or e-mail suellen.jeffress@us.army.mil.

Enclosures


Tracey L. Pinson
Director

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SUBJECT: Policy Letter 02-11; The Army Small Business Program

ENCLOSURE 1

REFERENCES

a. Department of Defense Directive (DODD) 4205.01, "Department of Defense Small Business Programs," March 10, 2009

c. Department of Defense Instruction (DODI) 5134.04, "Director of Small and Disadvantaged Business Utilization," September 27, 2005

d. Federal Acquisition Regulation Supplement (FAR) Part 19 "Small Business Programs" and Part 26 "Other Socioeconomic Programs"

e. Defense Federal Acquisition Regulation Supplement (DFARS) Part 219 "Small Business Programs" and Part 226 "Other Socioeconomic Programs"

f. Army Federal Acquisition Regulation Supplement (AFARS) Part 5119 "Small Business Programs"

g. Headquarters, Department of the Army General Orders No. 3, "Assignment of Functions and Responsibilities within Headquarters, Department of the Army," Paragraph 17, Director, Small and Disadvantaged Business Utilization (SADBU), July 9, 2002

h. Army Regulation 70-1, "Army Acquisition Policy," Paragraph 2-15, Director, Small and Disadvantaged Business Utilization, December 31, 2003

i. Department of the Army Pamphlet 70-3, "Army Acquisition Procedures," Chapter 3, Section VIII, January 28, 2008

j. Policy Letter 01-05, "The Army Small Business Program," April 25, 2005 (hereby canceled)

k. Policy Letter 01-09, "Request for Waiver of Appointment of Full-Time Small Business Personnel," Director OSBP, January 13, 2009 (hereby canceled)

l. Memorandum from the Director, Office of Small and Disadvantaged Business Utilization, "Appointment of Small Business Personnel," May 9, 2003 (hereby canceled)

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ENCLOSURE 2

ACRONYM DICTIONARY

ACOM – Army Command

AD -- Associate Director

AFARS – Army Federal Acquisition Regulation Supplement

AMC – Army Materiel Command

ASA(ALT) – Assistant Secretary of the Army for Acquisition, Logistics and Technology

ASCC – Army Service Component Commands

DFARS – Defense Federal Acquisition Regulation Supplement

DODD – Department of Defense Directive

FAR – Federal Acquisition Regulation

DRU – Direct Reporting Units

HBCU/MI – Historically Black Colleges and Universities and Minority Institutions

HUBZone – Historically Underutilized Business Zone Small Business

MP – Mentor-Protégé

MSC – Major Subordinate Command

OSBP – Office of Small Business Programs

PEO – Program Executive Officers

SB – Small Business

SDB -- Small Disadvantaged Business

SDVOSB – Service-Disabled Veteran-Owned Small Business

VOSB – Veteran-Owned Small Business

WOSB – Women-Owned Small Business

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ENCLOSURE 3

MINIMUM REQUIREMENTS FOR DODD 4205.01 WAIVER REQUESTS

1. Three-year history of the activity/office's Small Business Program, including the dollars and percentages compared with goal accomplishment.
2. Projection of the subsequent fiscal year's total spending and the anticipated spending with small businesses.
3. Commitment to have the part-time small business specialists/procurement analysts/contract specialists performing small business functions focus priority on small business functions (as indicated by providing the performance objectives stating such).
4. Commitment to develop a forecast each fiscal year projecting total opportunities (e.g., solicitations, task orders, etc.) and specific opportunities projected for small businesses.
5. Commitment to provide a semi-annual report on the status of the small business program implementation.
6. Part-time small business personnel are not subject to the control or direction of contracting, contract management, or technical personnel, and commander or the deputy (second in command) is responsible for performance plans and evaluations for small business specialists/procurement analysts/contract specialists performing small business functions. Small business personnel shall report to the commander or the deputy (second in command), and shall perform the small business functions at that activity/office. In accordance with AFARS 5119.201(e)(c), where a part-time small business specialists/procurement analysts/contract specialists performing small business functions is appointed, they should be the chief of the contracting office. small business specialists/procurement analysts/contract specialists performing small business functions Please indicate the position that will provide control, direction and reporting chain for the part-time small business personnel. If the small business specialists/procurement analysts/contract specialists performing small business functions reports to someone other than the commander or the deputy (second in command), justify why this channel of command is more effective and explain how the Small Business Program will be effectively managed.

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7. Small Business Program functions take priority among all other duties. If the SBS is less than full-time, please indicate how the Small Business Program will be effectively managed.

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