19.504 Orders under multiple-award contracts.

- (a) General. In accordance with section 1331 of the Small Business Jobs Act of 2010 ($\underline{15}$ U.S.C. $\underline{644}(r)(2)$), contracting officers may, at their discretion, set aside orders placed under multiple-award contracts for any of the small business concerns identified in $\underline{19.000}(a)(3)$.
- (1) The *contracting officer shall* state in the *solicitation* and resulting contract whether order setasides will be discretionary or mandatory when the conditions in <u>19.502-2</u> are met at the time of order set-aside, and the specific program eligibility requirements, as applicable, are also then met.
- (2) When setting aside an order at or below the *simplified acquisition threshold*, the *contracting officer may* set aside the order for any of the small business *concerns* identified in 19.000(a)(3).
- (3) When setting aside an order above the *simplified acquisition threshold*, the *contracting officer shall* first consider setting aside the order for the small business socioeconomic *contracting* programs (*i.e.*, 8(a), *HUBZone*, service-disabled veteran-owned small business, and women-owned small business) before considering a small business set-aside.
- (4) The *contracting officer shall* comply with the specific program eligibility requirements identified in this part in addition to the ordering procedures for a *multiple-award contract* (for orders placed under the Federal Supply Schedules Program, see <u>8.405-5</u>; for orders placed under all other *multiple-award contracts*, see <u>16.505</u>).
- (b) Orders under set-aside contracts—
- (1) Orders under total set-aside contracts. Under a total small business set-aside, contracting officers may at their discretion set aside orders for any of the small business socioeconomic concerns identified in 19.000(a)(3) provided that the requirements at paragraph (a) of this section, 19.502-2(b), and the specific program eligibility requirements are met.
- (2) Orders under partial set-aside contracts.
- (i) Only small business *concerns* awarded contracts for the portion(s) that were set aside under the *solicitation* for the *multiple-award contract may* compete for orders issued under those portion(s).
- (ii) Small business awardees *may* compete against other than small business awardees for an order issued under the portion of the *multiple-award contract* that was not set aside, if the small business received a contract award for the non-set-aside portion.
- (c) Orders under reserves.
- (1) The contracting officer may—
- (i) Set aside orders for any of the small business concerns identified in $\underline{19.000}$ (a)(3) when there are two or more contract awards for that type of small business concern; or
- (ii) Issue orders directly to one small business concern for work that it can perform when there is

only one contract award to any one type of small business concern identified in 19.000(a)(3).

(2) Small business awardees *may* compete against other than small business awardees for an order that is not set aside if the small business received a contract award for the *supplies* or services being ordered.

Parent topic: Subpart 19.5 - Small Business Total Set-Asides, Partial Set-Asides, and Reserves