

“Bidding to Primes” Best Practices for Small Businesses

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Compete, Compete, Compete...

- The Competition in Contracting Act (CICA) was passed into law in 1984 as a foundation for the Federal Acquisition Regulation (FAR) and to foster competition and reduce costs. **The theory was that more competition for procurements would reduce costs and allow more small businesses to win Federal Government contracts.** Under CICA all procurements must be competed as full and open (there are some exceptions found in FAR Part 6 such as FSS) so any qualified company can submit an offer. Additionally, CICA requires that all procurements with an estimated value exceeding \$25,000 be advertised for at least 15 days before issuance of a solicitation (FAR 5.203 (a)), on FedBizOpps (FBO). CICA also requires minimum response times (30 to 45 days) for receipt of bids or proposals from the date of issuance of a solicitation (FAR 5.203 (c), (d) & (e)).

Competition Discussion / Considerations

- How does competition promote increased opportunities for Small Businesses?
- How can small businesses establish and maintain competitiveness in the industry?
- What can small businesses do to increase their competitiveness?
- What major factors contribute to competitive bids?
- Can a small business request evaluation criteria?
- How should small businesses request and approach “de-briefs” after a lost bid?

Sole / Single Source Opportunities

- Sole Source of Single Source Justifications (SSJs) are sometimes utilized and necessary in Government Contracting
- Sole Source vs. Single Source
- Common SSJ Rationale:
 - 1) Only Responsible Source (No Other Supply/Service Will Satisfy The Requirements)
 - 2) Unique Capabilities
 - 3) Follow-On Work (Cost Impact Usually Required)
 - 4) Customer Directed
 - 5) Proprietary Item / Process
 - 6) Unusual / Compelling Urgency
 - 7) National Security (Mostly Classified)
 - 8) Authorized or Required by Statute

Sole / Single Source Discussion / Considerations

- What common types of SSJ's would we expect to see from small businesses?
- Can Mentor-Protégé arrangements lead to SSJ's? How would this be achieved ethically?
- To what extent can NASA direct Primes to consider small businesses?
*Note: Primes **can not** use RFP-mandated small business goals as a single rationale to sole source. However, they **can** use business size as a basis for competitive set-asides.