



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Information Circular

PIC 17-04A

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Double Goaling Credit for FAR Part 26 Local Area Small Business Set-Asides in Response to National Disasters

NFS Case 2017-N034

PURPOSE: To provide guidance to contracting officers regarding the *Recovery Improvements for Small Entities After Disaster Act of 2015 (RISE Act)*, Pub. L. No. 114-88.

BACKGROUND: On November 25, 2015, the President signed into law the *RISE Act*. Section 2108 authorized the Small Business Administration (SBA) to establish contracting preferences for small business concerns located in disaster areas and provided agencies with double goaling credit for awards to small businesses located in disaster areas.

Specifically, 15 U.S.C. 644(f) authorized procuring agencies to provide contracting preferences for small business concerns located in areas for which the President has declared a major disaster, during the period of the declaration. Under Federal Acquisition Regulation (FAR) § 6.208, contracting officers may set aside solicitations only for offerors residing or doing business in the area affected by a major disaster. Under existing FAR § 26.202-1, such local area set-asides may be further set aside for small business concerns.

15 USC 644(f) also provides that if an agency awards a contract to a small business located in a disaster area through a contracting preference, the value of the contract shall be doubled for purposes of determining compliance with the small business contracting goals described in section 15 USC 644(g)(1)(A) of the Small Business Act.

Consequently, for FY 2017 and going forward, SBA will provide agencies double credit for small business goaling purposes for any award that is identified as a local area set-

aside and a small business or other socioeconomic set-aside in FPDS-NG. SBA will calculate and provide the extra credit through the agency Goaling Scorecard process.

GUIDANCE: Pursuant to sections 6.208 and 26.202-1 of the FAR, contracting officers are encouraged to consider local area set-aside acquisitions limited to small business offerors residing in or doing business in the area affected by a major disaster (e.g., hurricanes, tornadoes, floods, earthquakes, wildfires and terrorist attacks), as declared by the President via executive order. The President's declarations of national disaster areas are posted on the FEMA website at <https://www.fema.gov/disasters/>. The type of acquisitions must involve emergency response contracts that support assistance activities in a major disaster or emergency area, such as debris clearance, distribution of supplies or reconstruction, as defined in section 26.201 of the FAR. The double small business goaling credit is applicable to both competitive and sole source awards. Pursuant to 26.202-1 of the FAR, Requests for Information (RFI), synopses and solicitations, as applicable, should include the following—

- A statement that the procurement is being awarded pursuant to sections 6.208 and 26.202-1 of the FAR;
- A statement that only local small business firms within a specific geographic area are eligible to compete (see 6.208 and Part 19 of the FAR). The local area set-aside may be established for any of the small business subcategories; and
- A definition of the specific geographic area for the local set-aside. (Note: A major disaster or emergency area may span counties in several contiguous States. The set-aside area need not include all the counties in the declared disaster/emergency area(s), but cannot go outside it.). The specifics associated with the declared disaster area are contained in the President's executive orders posted to the FEMA website at <https://www.fema.gov/disasters/>.

For sole source awards, the contracting officer should document within the contract file that the procurement is being awarded as a local area small business set-aside pursuant to sections 6.208 and 26.202-1 of the FAR.

To ensure the center receives double small business goaling credit, contracting officers must make the following entries in FPDS-NG at the time of contract award:

1. **CO'S BUSINESS SIZE SELECTION** (Drop-down) = **SMALL BUSINESS**
2. **LOCAL AREA SET-ASIDE** (Drop-down) = **YES** (Notice of the local area set-aside must have been specified in the solicitation for competitive actions or documented in the contract file for sole source actions.)
3. **NATIONAL INTEREST ACTION** (Drop-down). Identifies the awards made in response to National Interest Actions. The events included in this list are determined by the President's declaration of national disaster areas via executive orders and the Department of Homeland Security in accordance with the Stafford Act. Select the appropriate entry from the drop-down menu.

In the event the President has issued an executive order declaring a national disaster area, but the applicable National Interest Action has not been added in FPDS-NG, the contracting officer should select “**NONE**” from the drop-down menu. The center will still receive double goaling credit if the selection = NONE.

The validity of each National Interest Action is restricted to a specified period of time.

EFFECTIVE DATE: This PIC is effective as dated and shall remain in effect until December 31, 2019, or until such time the guidance is added to FAR, whichever occurs first.

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