

SEBAC's Comments on the Proposed Rule for JVs and 8(a)s

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SEBAC (Small Environmental Business Action Coalition), on behalf of over 50 small environmental businesses, supports the revisions to the FAR to implement laws enacted by Congress and regulations already enacted by the SBA. In particular, we have reviewed and support the changes to the following subparts:

9.1 Responsible Prospective Contractors

15.3 Source Selection

19.3 Determination of Small Business Status for Small Business Programs

19.8 Contracting with Small Business

In our view, these changes are long overdue. As the Background information provided in this proposed rule pointed out, there is a significant delay between (1) Congress passing laws, (2) the SBA enacting those laws into its regulations, and (3) the FAR council incorporating those regulations & statutes into the FAR. This delay and disconnect has a significant impact on the small business community because (1) we are responsible for complying with all three requirements, which are often at odds with one another, (2) it creates more work for small businesses because we have to educate and convince contracting officers to help bridge those gaps between the SBA regulations and FAR clauses in proposal requirements/submittals so that we are compliant with both, and (3) it results in more GAO and small business size status protests when the gaps are not bridged. As such, it is important to incorporate small business statutes and regulations into the FAR as quickly as possible.