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February 3, 2020

Mr. Robb Wong
Associate Administrator
Government Contracting
Small Business Administration
409 3rd Street
Washington, DC 20416

Re: GSA MAS Consolidation

Dear Mr. Wong:

Thank you in advance for review of this letter. I am writing to you on behalf of the members of the Small Environmental Business Action Coalition, Inc. (SEBAC), www.sebac.org. SEBAC serves as a voice for the small businesses community providing environmental engineering, remediation and related support to the U.S. General Services Administration (GSA) and other Federal agencies throughout the country. A key part of our mission is to support and protect small businesses by monitoring the federal government's goals, policies, and regulations regarding small business participation.

The GSA is in the process of performing a refresh of the Multiple Award Schedule (MAS) and in the process has defined NAICS 562910 incorrectly by applying the \$22M size standard without including the industry size standard 750 employee count. SEBAC has provided our position on this change and misinterpretation with some level of assurance that both criteria, dollar value and employee count, would be included at the time of the refresh. The RFP for the MAS refresh, released on 29 January 2020, did not correctly state both criteria. We are asking for SBA to weigh in on this matter, providing guidance to GSA on the correct interpretation and use of NAICS 562910.

As I am sure you know, the SBA size standard for NAICS 562910 has two separate definitions based on the type of services as documented in *The August 2019 U.S. Small Business Administration, Table of Small Business Size Standards Matched to North American Industry Classification System Codes*. For environmental services that fall under NAICS 562910 the size standard is 750 employees. For remediation (non-environmental services) the size standard is the \$22M. Specific language for designation of the 750 employee standard is as follows:

“For purposes of classifying a Government procurement as Environmental Remediation Services, the general purpose of the procurement must be to restore or directly support the restoration of a contaminated environment. This includes activities such as preliminary assessment, site inspection,

testing, remedial investigation, feasibility studies, regulatory compliance, remedial design, remediation services, containment, nuclear remediation, and removal of contaminated materials or security and site closeouts. The general purpose of the procurement need not necessarily include remedial actions. Also, the procurement must be composed of activities in three or more separate industries with separate NAICS codes or, in some instances (e.g., engineering), smaller sub-components of NAICS codes with separate and distinct size standards. These activities may include, but are not limited to, separate activities in industries such as: Heavy Construction; Special Trade Contractors; Engineering Services; Architectural Services; Management Consulting Services; Hazardous and Other Waste Collection; Remediation Services; Testing Laboratories; and Research and Development in the Physical, Engineering, and Life Sciences. If any activity in the procurement can be identified with a separate NAICS code, or component of a code with a separate distinct size standard, and that industry accounts for 50 percent or more of the value of the entire procurement, then the proper size standard is the one for that particular industry, and not the Environmental Remediation Service size standard.”

Also please note that Question 10 from *The MAS Consolidation Frequently Asked Questions for Industry* ask: **“How will GSA determine the company size (small, large, etc.) for industry partners under the consolidated Schedule?”** The response states: “GSA will continue using the preponderance of work NAICS to determine business size at the Schedule contract level. NAICS level business size standards are defined by the Small Business Administration (SBA).”

Furthermore, for the specific SIN 899 8 Remediation and Reclamation Services GSA provides the following language in their Professional Service Schedule 00CORP Solicitations and that all offerors must comply with the following:

14) SIN 899 8 Remediation and Reclamation Services

(i) If offering to perform remediation related to Transportation, Storage, Treatment and/or Disposal of Hazardous Waste services under this SIN, the offeror is required to provide the following documentation:

(A) Provide a summary of documentation process used through final disposition of all materials obtained and/or generated.

(B) Provide a summary of methods used for tracking material to final destination.

(C) Acknowledge compliance with environmental laws and regulations pertaining to disposal of hazardous waste.

(D) Provide a summary of warehousing process if any exist.

(E) Identify who the subcontractors are that will be used in the hazardous disposal process OR certify that the offeror understands that subcontractors may be required to be identified in any resultant task order issued by an ordering agency. If subcontractors are identified, pricing is to be included with the submission of offer.

(F) For non-applicable items, simply input “Not Applicable”.

(G) If not offering Transportation, Storage, Treatment and/or Disposal of Hazardous Waste services, the firm must state that it is not offering and will not perform such services if awarded a contract under the Professional Services Schedule.

(ii) Business Size Determination 899-8: If the preponderance of estimated sales falls under SIN 899-8 and the offeror has checked NAICS 562910 Environmental Remediation (750 employee standard),

Mr. Robb Wong
February 3, 2020
Page 3

the offeror shall provide a narrative detailing how the preponderance of work performed by the company is in fact Environmental Remediation as defined in the NAICS code. The narrative shall include evidence to support the company's claim that the preponderance of work it performs in the marketplace falls within the definition of NAICS 562910 Environmental Remediation.

SEBAC respectfully requests that the SBA weigh in on this matter and support the small business community subject to the 562910 NAICS by providing guidance to GSA on the proper use and application of this size standard. Please feel free to reach out to the undersigned for further information on our organization or if there are any questions regarding this request for support.

Thank you in advance for your consideration and support of this matter

A handwritten signature in black ink, appearing to read "J. Dwyer", written in a cursive style.

John Dwyer
President