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April 29, 2021

Mr. Steven DiBari, Contract Administrator  
USACE, New York District  
26 Federal Plaza, 16th floor  
New York, NY 10278

**Subject: Solicitation #W912DS21R0006 (Total Small Business Set-Aside) MATOC (IDC's C-208, C-209 & C-216) General Architect-Engineer (A-E) for Primarily Navigation, Coastal Flood Risk Management and Ecosystem Restoration Projects in the NAN/NAD Region**

Dear Mr. DiBari,

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](http://www.sebac.org). SEBAC serves as a voice for the small business community providing environmental engineering, remediation and related support to the U.S. Department of Defense (DOD) and other Federal agencies throughout the country. A key part of our mission is to support and promote opportunities for small businesses by monitoring the federal government's goals, policies, and regulations regarding small business participation.

Solicitation Link (current, due May 10):

<https://beta.sam.gov/opp/2a0d641208b046bea3d2230b6bd8a7a5/view>

Sources Sought link (March 13, 2020)

<https://beta.sam.gov/opp/708c349ba33b4cbc849e19d5ecc56315/view>

We are responding with comment to Solicitation #W912DS21R0006, a total Small Business Set-Aside issued by the New York District on April 1, 2021.

In Solicitation #W912DS21R0006, where it requests 10 project examples for the response, under "3. Selection Criteria" → "Primary Selection Criteria" → "a. Specialized experience and technical competence," it states the following:

1. Navigation Design: "**Construction costs should be at least \$5M.** The AE shall identify the month and year the 100% Final Design was completed and identify the month and year the construction was completed. Projects constructed "completed" before 2011 will not be considered."
2. Coastal Storm Risk Management: "**Construction costs should be at least \$50M.** The AE shall identify the month and year the 100% Final Design was completed and identify the month and year the construction was completed. Projects constructed "completed" before 2011 will not be considered."
3. Ecosystem Restoration & Mitigation: "**Construction costs should be at least \$5M.** The AE shall identify the month and year the 100% Final Design was completed and identify the month and

*year the construction was completed. Projects constructed “completed” before 2011 will not be considered.”*

4. ***“Demonstrate experience in design planning and scheduling management of fast track designs for construction contracts with a construction cost of \$100 million or more. Construction of projects must be 100% completed to be considered. Projects constructed “completed” before 2011 will not be considered.”***

The above criteria are unreasonable requirements for a small business set-aside design contract. It is uncommon that a small business with NAICS codes of 541330 (\$16.5 million) and/or 541310 (\$8 million) to have such size contracts that would meet the criteria of the above minimum project construction costs, and less common that an architectural firm with a maximum annual revenue of \$8 million would meet this criterion. And it would be rare for any one of these small business firm types to also have the construction completed after 2011, due to the time it takes for Congressionally authorized projects to be built. It would be more relevant to allow the small business prime to include viable, relevant project designs that are pending or under construction, as equally weighted experience.

Additionally, if a small business prime is expected to use large prime subcontractor’s projects to meet this contracting requirement, this may cause a cascading impact on the additional sections of the SF330. As you know, to gain high submission ratings, the prime’s project experience is expected to be shown on included resumes (Section E) and in the Key Personnel Participation matrix (Section G). These restricting criteria may result in an overall lower rating of the small business prime’s proposal, even if the team could provide qualifying projects (i.e., large-business subcontractor).

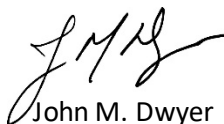
Therefore, we request an amendment to either (1) lower the monetary threshold to \$2M for all three sections, (2) require that only 1-2 of the 10 total projects in Section F to have a \$5M construction cost threshold, or (3) completely remove this requirement in this solicitation (preferred).

Finally, a review of the Sources Sought (#W912DS20S0014) issued by the USACE, New York District on March 13, 2020 seeking firms to meet the Total Small Business criteria for this Solicitation, did not make any note of monetary design or construction thresholds for project requirements, and thus the addition of costs for this subsequent solicitation will likely impact the validity of the market research completed to determine the potential pool of small business responses.

Thank you in advance for your review of this correspondence. I would kindly ask that you provide an acknowledgement of this letter. Please do not hesitate to contact the undersigned if I can be of any further service or provide additional information in support of our position on this matter.

We look forward to engaging you in a dialogue, and we thank you for your consideration.

Respectfully,



John M. Dwyer  
President  
SEBAC