

**U. S. Small Business Administration (SBA)**

**FY 2017 Goaling Guidelines**

**Office of Policy, Planning & Liaison**

**Office of Government Contracting & Business Development**

**May 22, 2017**

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# **GUIDANCE ON FEDERAL SMALL BUSINESS GOAL SETTING**

## **POLICY STATEMENT**

The policy of the United States is that small businesses have the maximum practical opportunity to participate in providing goods and services to the Federal Government. Congress, in furtherance of that policy, enacted various small business goals for Federal procurement. The Small Business Act states that the Small Business Administration (SBA) is to "aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise, to ensure that a fair proportion of total purchases and contracts or subcontracts for property and services for the Government to maintain and strengthen the overall economy of the Nation." Negotiating individual agency small business procurement goals is one of the most important ways the SBA can fulfill that mission.

## **STATUTORY GOALS**

### **What Are the Statutory Federal Small Business Procurement Goals?**

Federal small business procurement goals are set by Congress, which state that the Federal government shall direct a percentage of spending dollars to small business, and certain categories of small businesses. Congress first enacted a procurement goal in prime contracting for small business in 1988. Since then, goals have been increased, extended to include some subcontracting, and applied to certain sectors of small businesses such as socially and economically disadvantaged small business, service-disabled veteran-owned small businesses, woman-owned small businesses, and Historically Underutilized Business Zones. The Small Business Act (Section 15(g), 15 U.S.C. 644(g) (1)) includes the various small business procurement goals. They are summarized in the table shown on Page 2.

# AGENCY GOALS AND GOVERNMENT-WIDE GOALS

**The following goals are established under the Small Business Act:**

|   |   |
|---|---|
| Small Business Concerns   | Not less than 23% of the total value of all prime contract awards for each fiscal year                |
| Small Business Concerns owned and controlled by socially and economically disadvantaged individuals | Not less than 5% of the total value of all prime contract and subcontract awards for each fiscal year |
| Small Business Concerns owned and controlled by Women   | Not less than 5% of the total value of all prime contract and subcontract awards for each fiscal year |
| Small Business Concerns owned and controlled by Service-Disabled Veterans                           | Not less than 3% of the total value of all prime contract and subcontract awards for each fiscal year |
| Qualified HUBZone Small Business Concerns   | Not less than 3% of the total value of all prime contract and subcontract awards for each fiscal year |

*(For additional excerpts from the Small Business Act, please see Appendix B of the Goaling Guidelines Appendices)*

## **Who is Responsible for Achieving Small Business Procurement Goals?**

Every Federal agency with procurement authority is responsible for contributing towards meeting the Federal government-wide goals. Each must provide the maximum practicable opportunity to small businesses to win awards and must work to improve its procurement processes to meet the goals.

## **What is SBA's Responsibility?**

SBA is responsible for implementing the goaling program to ensure that the government-wide goals are established each fiscal year and for tracking and reporting on agencies' achievements toward meeting those goals. Like other Federal agencies, SBA must also establish and achieve small business procurement goals.

# **CALCULATING SMALL BUSINESS PROCUREMENT GOALS**

## **Small Business Prime Contracting Goals:**

### **Are Agency Goals And Government-Wide Goals Identical?**

Agency goals and government-wide goals are not necessarily identical. The statutory goals are government-wide, meaning that the percentages are based on the aggregate of all Federal procurement. Each Federal department and agency has different program missions and procurement needs. The Small Business Act states, "Notwithstanding the government-wide goal, each agency shall have an annual goal that presents, for that agency, the maximum practical opportunity for small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women to participate in the performance of contracts let by such agency." (15 U.S.C. 644(g)(1)). SBA works with each agency to establish goals that provide small businesses the maximum opportunity to win contracts given that agency's procurement needs and meet the government-wide goals.

### **On What Basis are the Small Business Procurement Goals Calculated? Is anything excluded?**

As stipulated in the Small Business Act, procurement goals are a percentage "of the total value of all prime contract awards" made in a fiscal year. This "base" includes awards for supplies and services to business concerns, non-profit organizations, educational institutions (including Historically Black Colleges and Universities and Minority Institutions) and state and local governments. SBA uses the Federal Procurement Data System - Next Generation (FPDS-NG) to generate its goaling report. If an action is not reported in FPDS-NG, it is not included in the base. For example, some leases and micro-purchases are reported in FPDS-NG. Actions excluded from the goaling base include contracts funded predominately with agency generated sources (i.e. non-appropriated funds), acquisitions with a statutorily mandatory source such as Federal Prison Industries or Ability One, and acquisitions on behalf of foreign governments. *(For the specific Goaling Exclusions, please see Appendix C of the Goaling Guidelines Appendices)*

## **Negotiating and Establishing Goals:**

### **How Do Agencies Establish Annual Small Business Prime Contract Goals with SBA?**

Section 15(g)(2) of the Small Business Act requires that "the head of each Federal agency shall, after consultation with the Administration, establish goals for the participation by small

business concerns, by small business concerns owned and controlled by service-disabled veterans, by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women in procurement contracts of such agency having a value of \$25,000 or more.” Further, it requires that the head of each Federal agency make consistent efforts to annually expand participation by small business concerns from each industry category in procurement contracts of the agency. SBA is responsible for ensuring that the government-wide goal for participation of small business concerns is established annually at the statutory levels and the reporting agencies' achievements are relative to the goals. The full goaling cycle encompasses a one-year period, and a review of performance on small business contracts awarded is done each year. Goals are set each fiscal year.

Here is how the process works:

1. SBA negotiates with agencies to establish individual agency goals that, in the aggregate, constitute government-wide small business goals. In addition, SBA also negotiates a small business subcontracting goal based on recent achievement levels. Before the beginning of the fiscal year, SBA provides agencies with a proposed goal, and agencies respond with an acceptance of the proposed goal or a counter-proposed goal.
2. SBA's Office of Government Contracting and Business Development then determines if these individual agency goals, in the aggregate, meet or exceed the government-wide statutorily mandated goals mandated in 15(g)(1) of the Small Business Act in each small business category.
3. SBA notifies the agencies of their final agency goals.

### **What Happens if the SBA and Agencies Fail to Agree on Establishing Goals?**

If the SBA and the agency cannot agree on the goals, the agency may submit the case to the Office of Management and Budget (OMB) Office of Federal Procurement Policy (OFPP) for resolution.

# MONITORING AND EVALUATING SMALL BUSINESS GOAL ACHIEVEMENTS

## Monitoring and Reporting Achievements toward Goals

The Federal Procurement Data System - Next Generation (FPDS-NG) is the government's authoritative source for all prime procurement data. SBA uses the information in FPDS-NG to monitor agencies' achievements against goals throughout the year. Agencies report each award over \$3,500, including details such as:

- Industry
- Place of performance
- Type of contractor
- Whether the contractor meets SBA's size standards
- Amount

The electronic Subcontracting Reporting System (eSRS) is the government's authoritative source for all subcontracting data. Prime contractors submit their reports directly into the system, and the government reviews and accepts (or rejects) these reports. Subcontractors also submit information that feeds the Subcontractor Achievement Report.

## Can Agencies Obtain Credit for Goals in More Than One Category with One Contract?

Agencies can take credit in every category that is applicable to the recipient of the contract. When counting goaling achievements, a contract awarded to a service-disabled Veteran-Owned Woman-Owned Small Business would be counted toward the Small Business (SB) goal, the Service-Disabled Veteran-Owned Small Business (SDVOSB) goal and the Women-Owned Small Business (WOSB) goal. However, these category counts are not summed to triple the total count. *The Sum of Parts Does Not Equal the Whole*. The *exception* to this non-additive rule is for total Small Disadvantaged Business (SDB) which is the sum of 8(a) and non-8(a) SDBs. Each special type of small business is first of all a small business. That also means Federal procurements awarded to SDVOSB will also have been awarded to Veteran-Owned Small Business (VOSB).



## SMALL BUSINESS GOALING REPORT

Following the end of a fiscal year, and after agencies have certified their data, the Small Business Goaling Report is generated from FPDS-NG. SBA locks down (pulls the data) as of a particular date and uses that same data set for all of its analysis and reporting for the prior fiscal year. This report calculates the overall government performance against small business goals, as well as each individual agency's performance. In the report, the total dollars are characterized as Small Business Eligible, meaning the Exclusions mentioned in the Goaling Guidelines Appendices above have already been removed from the base. Percentages are calculated as follows:

| Goal   | Calculation   |
|--|---|
| Small Business Percentage                                | Total Small Business Dollars/Total Small Business Eligible Dollars  |
| Small Disadvantaged Business Percentage                  | Total Small Disadvantaged Business Dollars/ Total Small Business Eligible Dollars. NOTE – this includes awards made using 8(a) procedures |
| Service Disabled Veteran Owned Small Business Percentage | Total Service Disabled Veteran Owned Small Business Dollars/ Total Small Business Eligible Dollars  |
| Women Owned Small Business                               | Total Woman Owned Small Business Dollars/ Total Small Business Eligible Dollars   |
| HUBZone Small Business                                   | Total HUBZone Small Business Dollars/Total Small Business Eligible Dollars  |

For the Small Business Goaling Report, the funding agency, not the awarding agency, receives the goaling credit. The Small Business Goaling Report is run by funding agency. SBA also downloads the Federal Procurement Subcontract Report (SBA Version) from the Electronic Subcontracting Reporting System (eSRS) which reflects the subcontracting percentage achievements for each federal agency. These reports are released publicly, and are used as the basis for SBA's Small Business Procurement Scorecard.

Each agency that fails to achieve any proposed prime or subcontract goal is required to submit a justification to SBA on why they failed to achieve a proposed or negotiated goal with a proposed plan of corrective action.

### **Consolidated Appropriations Act of 2014:**

Section 318 of the Consolidated Appropriations Act of 2014 ("CAA"), (Public Law 113-76), states:

"First tier subcontracts that are awarded by Management and Operating (M&O) Contractors sponsored by the Department of Energy to small business concerns, small business concerns owned and controlled by service disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged

individuals, and small business concerns owned and controlled by women, shall be considered toward the annually established agency and government-wide goals for procurement contracts awarded.”

Beginning in FY 2015, DOE’s prime contracting performance includes M&O first tier subcontracts pursuant to 15 USC 644(g)(3), to the extent DOE publicly provided information on small business subcontractors, including the names and claimed size or socioeconomic status. Any first tier subcontracts counted towards DOE’s prime contracting goals are not counted towards DOE’s subcontracting goals.

## DATA QUALITY

Complete, accurate, and timely Federal procurement data are essential to increasing Federal small business contract awards and achieving small business contracting goals. At the agency level, in accordance with FAR 4.604(a), the Senior Procurement Executive (SPE), in coordination with the head of the contracting activity, is responsible for developing and monitoring a process to ensure timely and accurate reporting of contractual actions to FPDS-NG. The Chief Acquisition Officer (CAO) of each agency is required, per FAR 4.604(c) to report its contract actions and must submit to the General Services Administration (GSA), in accordance with FPDS-NG guidance, within 120 days after the end of each fiscal year, an annual certification of whether, and to what degree, agency Contract Action Report (CAR) data for the preceding fiscal year is complete and accurate. The General Services Administration, issues further direction in GSAM 504.6 for data quality through verification and validation responsibilities for individual agencies that requires quarterly and annual verification and validation reviews and an annual certification. Further, OMB memorandum dated October 2009, requires agencies to annually submit a single FPDS-NG Data Quality Report that includes the agency's certification of the completeness and accuracy of its FPDS data for the previous fiscal year, a description of activities to assure data input accuracy, and a summary of its policies and procedures for measuring and reporting data.

SBA takes a number of steps to ensure that agencies verify the accuracy of the small business procurement data reported in the FPDS-NG Small Business Goaling Report and Annual Small Business Procurement Scorecard. Preserving the integrity of small business procurement data is essential in ensuring that small businesses have the maximum practicable opportunity to participate in the federal supply chain. To that end, the SBA is dedicated to continuously enhance and improve data quality and to provide tools that help identify and correct anomalies.

The Anomaly report process used by SBA focuses on a "spot-check" of specific areas for a selected number of agencies. SBA has developed potential anomaly reports for the top ten agencies that have either small business award dollars that have been issued to what appear to be large businesses (i.e., the business is in the top 100 vendor list from the Small Business Goaling Report data), Missing NAICS Codes, and/or Missing Contracting Officer's Size Selection data. The reports include original contracts for each fiscal year or a modification to the original contract where the anomalies spot-check areas were identified.

The spot-check utilized by SBA for the FY Anomaly Reports consists of a review of the areas shown in the following table for contract actions reported as Small Business awards.

| Anomaly Category   | Methodology Approach   |
|--|--|
| 1. Top 100 Small Business Goaling Report Vendors – Small Business Awards | The FY FPDS-NG Goaling Report data is analyzed to determine the top 100 vendors based on the Global (Parent) DUNS number and highest Small Business Eligible Dollars. Contracts for this vendor list are flagged as a potential anomaly if the Contracting Officer's Business Size Selection is recorded as 'Small Business'. SBA excludes firms that appear small under the relevant size standard. |
| 2. Missing NAICS Codes – Small Business Awards                           | SBA reviews the FPDS-NG data and flags contract actions where the NAICS Code field is coded “blank” or is empty.   |
| 3. Missing Size Designation – Small Business Awards                      | SBA reviews the FPDS-NG data and flags contract actions where the size designation is coded “blank” or is empty.   |

To assist agencies in improving procurement data quality, GSA developed standard anomaly reports in the suite of tools available in the Federal Procurement Data System – Next Generation (FPDS-NG). These reports use the protocols currently available to agencies and are standardized to make them easier to use.

## FY2017 Goaling Guidelines Appendices

### Appendix A

#### Glossary of Terms

|                  |  |
|------------------|--|
| Anomaly          | Deviation from what is normal/expected. Each year, SBA receives from GSA a preliminary fiscal year data set, which is used to generate agency-specific Anomaly Reports. These reports are then sent out to the agencies for their review.  |
| CFO-Act Agencies | <p>The federal government has 24 agencies subject to the Chief Financial Officer's (CFO) Act. The 24 agencies are:</p> <ol style="list-style-type: none"> <li>1. Department of Agriculture (USDA)</li> <li>2. Department of Commerce (DOC)</li> <li>3. Department of Defense(DOD)</li> <li>4. Department of Education (EDUCATION)</li> <li>5. Department of Energy (DOE)</li> <li>6. Department of Health and Human Services (HHS)</li> <li>7. Department of Homeland Security (DHS)</li> <li>8. Department of Housing and Urban Development (HUD)</li> <li>9. Department of the Interior (DOI)</li> <li>10. Department of Justice (DOJ)</li> <li>11. Department of Labor (DOL)</li> <li>12. Department of State (STATE)</li> <li>13. Department of Transportation (DOT)</li> <li>14. Department of the Treasury (TREASURY)</li> <li>15. Department of Veterans Affairs (VA)</li> <li>16. Agency for International Development (USAID)</li> <li>17. Environmental Protection Agency (EPA)</li> <li>18. General Services Administration (GSA)</li> <li>19. National Aeronautics and Space Administration (NASA)</li> <li>20. National Science Foundation (NSF)</li> <li>21. Nuclear Regulatory Commission (NRC)</li> <li>22. Office of Personnel Management (OPM)</li> <li>23. Small Business Administration (SBA)</li> <li>24. Social Security Administration (SSA)</li> </ol> |
| DUNS             | Data Universal Numbering System is a proprietary system developed and regulated by Dun & Bradstreet (D&B) that assigns a unique numeric identifier, referred to as a "DUNS number" to a single business entity   |
| Fiscal Year      | The federal government's fiscal year runs from October 1 of each year through September 30 of the following year.  |

|                                |   |
|--------------------------------|---|
| HUBZone Small Business Concern | A HUBZone Small Business Concern (SBC) means a HUBZone SBC that SBA certifies as qualified for federal contracting assistance under the HUBZone program (reference 13 CFR 126.103).   |
| NAICS Code                     | The North American Industry Classification System Code is used by business and government to classify business establishments according to type of economic activity (process of production) in Canada, Mexico, and the United States of America.   |
| OSBP                           | Office of Small Business Programs   |
| OSDBU                          | The Office of Small and Disadvantaged Business Utilization (OSDBU) was created as part of the Small Business Act, as amended by Public Laws 95-507 and 100-507. Every Federal agency (except SBA) is required to have an OSDBU, which, by statute, reports directly to the head of the agency. The primary responsibility of the OSDBU is to ensure that small businesses, small disadvantaged businesses, women-owned businesses, service-disabled-veteran-owned businesses, and HUBZone businesses are treated fairly and that they have an opportunity to compete and be selected for a fair amount of the agency's contract dollars. For the Department of Defense (DoD), in accordance with the National Defense Authorization Act (NDAA) of 2006, the Office of Small and Disadvantaged Business Utilization (OSDBU) has been renamed the Office of Small Business Programs (OSBP). A few other agencies have also adopted this change. |
| SBGR                           | The Small Business Goaling Report is a department level report within FPDS-NG that displays Small Business data for a specified date range by Funding Agency.   |
| SAM                            | System for Award Management. SAM serves as a government-contracting portal and enables small business owners to register their company to do business with the Government, and represent/self-certify as a small business all in one place. SAM consolidates the capabilities of the Online Representations and Certifications Application (ORCA), and Excluded Parties List System (EPLS). SAM is managed by the General Services Administration (GSA).  |
| Scorecard                      | The annual Small Business Procurement Scorecard is an assessment tool that measures, 1) how well federal agencies reach their small business and socio-economic prime contracting and subcontracting goals, (2) provides accurate and transparent contracting data; and (3) reports agency-specific progress. The prime and subcontracting component goals include goals for small businesses, small businesses owned by women, small disadvantaged businesses, service-disabled veteran-owned small businesses, and small businesses located in Historically Underutilized Business Zones (HUBZones). The report is generated for each of the 24 CFO-Act Agencies and the government-wide performance.   |

|  |  |
|--|--|
| Service-Disabled Veteran Owned Small Business (SDVOSB)         | A small business concern that is at least 51 percent of owned and controlled by one or more veterans with a disability that is service-connected (as defined in section 101(16) of title 38, United States Code), or in the case of a veteran with a permanent and severe disability, the spouse or permanent caregiver of such veteran.   |
| Small Business Concern   | Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U. S. economy through payment of taxes or use of American products, materials or labor.   |
| Woman Owned Small Business (WOSB)                              | A small business concern that is at least 51 percent owned and controlled by one or more women who are citizens in accordance with 13 C.F.R. §§ 127.200, 127.201 and 127.202.  |
| Socially and economically disadvantaged small business concern | Any small business concern which meets the requirements of 13 C.F.R. 124.1002 (b). Generally, a small business concern that is unconditionally owned and controlled by one or more socially and economically disadvantaged individuals that are citizens of and reside in the U.S. This also includes in some circumstances Indian Tribes, Alaska Native Corporations, Native Hawaiian Organizations, and Community Development Corporations. <i>see</i> §§124.109, 124.110, and 124.111, respectively for the requirements related to these entities. |

**Appendix B**  
**Small Business Act Excerpts**

15 USC 644(g)(1):

The Government-wide goal for participation by small business concerns shall be established at not less than 23 percent of the total value of all prime contract awards for each fiscal year. The Government-wide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for each fiscal year. The Government-wide goal for participation by qualified HUBZone firms shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for fiscal year 2003 and thereafter. The Government-wide goal for participation by small business concerns owned and controlled by socially and economically disadvantaged individuals shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year. The Government-wide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year. Notwithstanding the Government-wide goal, each agency shall have an annual goal that represents, for that agency, the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically-disadvantaged individuals, and small businesses owned and controlled by women to participate in the performance of contracts let by such agency. The Administration and the Administrator for Federal Procurement Policy shall, when exercising their authority pursuant to paragraph (2), ensure that the cumulative annual prime contract goals for all agencies meet or exceed the annual Government-wide prime contract goal established by the President pursuant to this paragraph.

15 USC 644(g)(2):

(A) The head of each Federal agency shall, after consultation with the Administration, establish goals for the participation by small business concerns, by small business concerns owned and controlled by service-disabled veterans, by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women in procurement contracts of such agency.

(B) Goals established under this subsection shall be jointly established by the Administration and the head of each Federal agency and shall realistically reflect the potential of small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically-disadvantaged individuals, and small business concerns owned and controlled by women to perform such contracts and to perform subcontracts under such contracts.



(C) Whenever the Administration and the head of any Federal agency fail to agree on established goals, the disagreement shall be submitted to the Administrator for Federal Procurement Policy for final determination.

(D) For the purpose of establishing goals under this subsection, the head of each Federal agency shall make consistent efforts to annually expand participation by small business concerns from each industry category in procurement contracts of the agency, including participation by small business concerns owned and controlled by service-disabled veterans, by qualified HUBZone small business concerns, by small business concerns owned and controlled by socially and economically disadvantaged individuals, and by small business concerns owned and controlled by women.

(E) The head of each Federal agency, in attempting to attain the participation described in subparagraph (D), shall consider—

(i) contracts awarded as the result of unrestricted competition; and

(ii) contracts awarded after competition restricted to eligible small business concerns under this section and under the program established under section 637(a) of this title.

(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving small business goals.

(ii) A procurement employee or program manager described in this clause is a senior procurement executive, senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.

#### Consolidated Appropriations Act of 2014:

Section 318 of the Consolidated Appropriations Act of 2014 (“CAA”), (Public Law 113-76), states, “First tier subcontracts that are awarded by Management and Operating (M&O) Contractors sponsored by the Department of Energy to small business concerns, small business concerns owned and controlled by service disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women, shall be considered toward the annually established agency and government-wide goals for procurement contracts awarded.”

## Appendix C

### Goaling Exclusions

The following goaling exclusions, as shown in the Appendix of the Small Business Goaling Report, show categories of contracts that are reported to FPDS-NG, but are not part of the Small Business Goaling Report. The table provided here shows each category with an explanation indicating why it is excluded. Most actions excluded from the goaling base are excluded because they are acquisitions on behalf of foreign governments, statutorily required directed sources, or are funded with agency generated funds.

The goaling baseline includes only prime contracts awarded using appropriated funds covered by the FAR. The FAR requirements and the Federal Procurement Data System Next Generation (FPDS-NG) are only applicable to contracts awarded using appropriated funds.

As stated in the Appendix of the Small Business Goaling Report, the Federal Procurement Data System - Next Generation (FPDS-NG) is a dynamic, real-time database. Updates to data, including new actions, modifications, and corrections are made on a regular basis. Such updates could result in changes to the FPDS-NG data used to compile reports on actions for current and/or prior fiscal years. Accordingly, all reports need to be viewed with this in mind. It should also be noted that availability of Department of Defense (DoD) data entered into FPDS-NG is subject to a 90-day delay for non DoD users.

| <b>Goaling Exclusion</b>  | <b>Explanation for Exclusion</b>  |
|---|---|
| Javits-Wagner-O'Day Program (JWOD, Sheltered Workshop): Awards that have a contractor with a SAM based Sheltered Workshop designation Flag equal to "Y" are excluded. | The Javits-Wagner-O-Day Act (U.S.C. Section 46 et seq.) is a U. S. federal law requiring that all federal agencies purchase specified supplies and services from nonprofit agencies employing persons who are blind or have other significant disabilities. JWOD is a mandatory source. |

UNICOR: Exclude the UNICOR DUNS numbers specified in APPENDIX A of the FPDS-NG Small Business Goaling Report as shown below.

List of DUNS - UNICOR/Federal Prison Industries:

|           |           |
|-----------|-----------|
| 014723167 | 177021870 |
| 025866133 | 178845053 |
| 027435366 | 183606490 |
| 042811430 | 185501798 |
| 056435894 | 185930542 |
| 057272486 | 187651752 |
| 060771920 | 199234480 |
| 068638951 | 618879423 |
| 072724859 | 622178747 |
| 075399977 | 624770475 |
| 085119121 | 626627459 |
| 086854069 | 626979314 |
| 088695218 | 794034553 |
| 096356964 | 801970971 |
| 098736291 | 801977273 |
| 103385519 | 801983800 |
| 118882161 | 801984964 |
| 126924018 | 801991969 |
| 127300429 | 883387995 |
| 127607732 | 932169972 |
| 129794269 | 932793250 |
| 147374714 | 933631806 |
| 148033947 | 933631814 |
| 148071236 | 933631939 |
| 152000998 | 942195132 |
| 161114251 | 199221480 |

The following UNICOR DUNS shall be excluded effective 10/1/2013:

|           |           |
|-----------|-----------|
| 118575729 | 196069173 |
| 198353984 | 806788407 |
| 878435213 | 139397371 |
| 621502173 | 801972068 |
| 170419167 | 139611631 |
| 782184956 |           |

Federal Prison Industries, also known as UNICOR and FPI, is a wholly owned United States government corporation created in 1934 that uses penal labor from the Federal Bureau of Prisons to produce goods and services. FPI is restricted to selling its products and services to federal government agencies. UNICOR is a mandatory source.

|   |  |
|---|--|
| <p>American Institute in Taiwan: Awards with the American Institute in Taiwan designated as the contractor for the award and determined by a DUNS number of '161174503'.</p>  | <p>The American Institute in Taiwan (AIT) is a non-profit organization established under the auspices of the United States government to serve its interests in Taiwan. Primarily staffed by employees of the United States Department of State and local workers, it provides services normally provided by a United States diplomatic mission. The establishment of diplomatic relations with the People's Republic of China (PRC) in 1979 required acknowledgment of the One-China policy and termination of diplomatic relations with the Republic of China (ROC). The AIT now serves to assist and protect US interests in Taiwan and other areas in the ROC in a non-official manner. The AIT also processes visas and provides consular services to American expatriates.</p>   |
| <p>Based on the Department of Defense's (DoD's) request, acquisitions performed outside of the U. S. and its territories* in connection with Contingency Operations (10 U.S.C. § 101(a)(13)) and Status of Forces Agreements (32 C.F.R. § 158), are excluded from the goaling base for FY 16 and FY 17. Beginning with FY2018, the above exclusion from goaling is revised. NDAA 2017 revised</p> <p>the Small Business Act and provided a broader exclusion for contracts or task orders awarded by the Department of Defense that: is conducted pursuant to section 22 of the Arms Export Control Act (22 U.S.C. 2762); is a humanitarian operation as defined in section 401(e) of title 10, United States Code; is for a contingency operation, as defined in section 101(a)(13) of title 10, United States Code; is to be awarded pursuant to an agreement with the government of a foreign country in which Armed Forces of the United States are deployed; or where both the place of award and the place of performance are outside of the United States and its territories.</p> | <p>DoD has a need to respond in an expedited manner outside of the United States in a hostile environment and has the potential requirement to award contracts exclusively to firms located in a foreign country for diplomatic reasons. This is effective in FPDS-NG when the date signed is equal to or greater than 10/01/2015.</p> <p>* US Territories:</p> <p>AMERICAN SAMOA [UNITED STATES]<br/> UNITED STATES MINOR OUTLYING ISLANDS<br/> MIDWAY ISLANDS [UNITED STATES]<br/> NORTHERN MARIANA ISLANDS [UNITED STATES]<br/> GUAM [UNITED STATES]<br/> PUERTO RICO [UNITED STATES]<br/> NAVASSA ISLAND [UNITED STATES]<br/> JARVIS ISLAND [UNITED STATES]<br/> BAKER ISLAND [UNITED STATES]<br/> HOWLAND ISLAND [UNITED STATES]<br/> JOHNSTON ATOLL [UNITED STATES]<br/> KINGMAN REEF [UNITED STATES]<br/> PALMYRA ATOLL [UNITED STATES]<br/> VIRGIN ISLANDS [UNITED STATES]<br/> WAKE ISLAND [UNITED STATES]<br/> UNITED STATES MISCELLANEOUS PACIFIC ISLANDS</p> |

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| <p>Acquisitions by agencies on behalf of foreign governments or entities or international organizations: Actions that are funded by foreign entities ("Funded by Foreign Entity" = 'Yes' OR "Foreign Funding" = 'Foreign Funds - FMS' or 'Foreign Funds - non-FMS') are excluded from the report.</p> | <p>These are Government to Government transactions for military and non-military supplies and services where the funds from the foreign government pass-through the purchasing agency to the supplier at no cost to the U.S. Government.</p> |
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Contracts funded predominately with agency generated sources (i.e., non-appropriated funds), non-Executive Branch agencies/components, or where the agency is not required to report procurement actions in FPDS-NG are excluded from the goaling report. Accordingly, the following Federal Government agencies , with identifying FPDS-NG activity codes, are excluded:

Non-Appropriated Funds

- FDIC, 5100
- Postal Service, 1800
- Bureau Of Engraving and Printing, 2041 (data are included when the signed date is equal to or greater than October 1, 2013)
- United States Mint, 2044
- Office Of The Comptroller Of The Currency, 2046 (data are included when the signed date is equal to or greater than October 1, 2013)
- Office Of Thrift Supervision, 2047 (data are included when the signed date is equal to or greater than October 1,2013)
- Transportation Security Administration, 6965; 7013, (data are included when the signed date is equal to or greater than July 1, 2008)
- Federal Aviation Administration, 6920
- Tennessee Valley Authority, 6400
- Overseas Private Investment Corporation, 7100 (data are included when the signed date is equal to or greater than October 1, 2013)

Judicial Branch

- Administrative Office of the US Courts, 1027
- Bankruptcy Courts, 1021
- Federal Judicial Center, 1028
- Supreme Court of US, 1001
- US Courts of Appeals-Judicial Circuits, 1002
- US District and Territorial Courts, 1012

Legislative Branch

- Architect of the Capitol, 0100

These contracts do not use appropriated funds. (Includes such revenue sources as user fees, gifts, sale of production, gas taxes, private sector reimbursements, etc.)

Please note:

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| <ul style="list-style-type: none"> <li>• Congressional Budget Office, 0800</li> </ul> <p style="text-align: center;"><u>Other Non-Executive Branch</u></p> <ul style="list-style-type: none"> <li>• Court Services and Offender Supervision Agency, 9594 (data are included when the signed date is equal to or greater than October 1, 2013)</li> <li>• Pretrial Services Agency, 959P</li> </ul> <p style="text-align: center;"><u>National Security</u></p> <ul style="list-style-type: none"> <li>• Central Intelligence Agency, 5600</li> </ul> |  |
| <p>Acquisitions with a Reason Not Competed value of "RES" for Resale</p>   | <p>The majority of these types of contract actions are funded in whole or in part by non-appropriated funds, and therefore are not included in the goaling base. FAR 6.606(c)(7) specifically excludes resale from FPDS-NG reporting. Additionally, FAR 6.302-5(a)(2)(ii), authorizes use of sole source for brand name commercial items for resale.</p>   |
| <p>Product Service codes for Leases in the format X***. (data are included when the signed date is equal to or greater than October 1, 2013)</p>   | <p>Leases are included to the extent reported in FPDS-NG.</p>  |
| <p>Product Service codes for Utilities S112 (Electric).</p>  | <p>Generally, utility services (Electric) are provided by other than small business concerns and are therefore not available for small business concerns.</p>  |
| <p>Tricare DODAAC - H94002. (based on Contracting Office Code)</p>   | <p>Tricare is a health care program of the United States Department of Defense Military Health System. Tricare provides civilian health benefits for U.S Armed Forces military personnel, military retirees, and their dependents, including some members of the Reserve Component. The Tricare program was managed by Tricare Management Activity (TMA) under the authority of the Assistant Secretary of Defense (Health Affairs). Tricare is the civilian care component of the Military Health System, although historically it also included health care delivered in the military medical treatment facilities.</p> <p>On 1 October 2013, TMA was disestablished and Tricare responsibility was transferred to the Defense Health Agency (DHA) which was established on the same day.</p> <p>Tricare DODAAC – H94002 (based on</p> |

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|  | Contracting Office Code) – Reason: under TRICARE, service-members and retirees are able to choose the doctors and medical facilities. The procurements awarded by the Defense Health Agency office identified by H94002 primarily funds contract actions to support these actions after the service-member makes their choice (i.e., the contracting office does not have control as to whether small business considerations are applied). |
| Tricare DODAAC - HT9402. (based on Contracting Office Code)  | See information above.  |
| Centers for Medicare & Medicaid Services (CMS) non-appropriated funded contracts - 00NAF. (based on Contracting Office Code) | These are non-appropriated funds and are not part of the goaling base. The Federal Acquisition Regulation (FAR) applies to appropriated funds by executive agency.  |



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| <p>Department of Education's Not-for-Profit (NFP) Loan Servicing contracts listed below (Base and any Modification), plus any Award (Base or Modification) which references one of these contract numbers should be excluded. (data are excluded when the signed date is equal to or greater than October 1, 2013):</p> | <p>These contract numbers represent the Department of Education's Not-for-Profit Loan Servicing (NFP) contracts. These are the contracts awarded pursuant to the Student Aid and Fiscal Responsibility Act of 2009 (P.L. 111-152).</p> <p>Contract Number Servicer:</p> <p>EDFSA11D0012 MISSOURI HIGHER EDUCATION LOAN AUTHORITY<br/> EDFSA12D0003 UTAH HIGHER EDUCATION ASSISTANCE AUTHORITY<br/> EDFSA12D0005 EDUCATIONAL SERVICES OF AMERICA, INC.<br/> EDFSA12D0006 ASPIRE RESOURCES INC.<br/> EDFSA12D0007 NEW HAMPSHIRE HIGHER EDUCATION LOAN CORP<br/> EDFSA12D0012 OKLAHOMA STUDENT LOAN AUTHORITY<br/> EDFSA13D0001 VERMONT STUDENT ASSISTANCE CORPORATION</p> <p>The statute requires the Department of Education to use NFP contractors for this particular service, so there is no small business opportunity.</p> |
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