



FY 2021 Goaling Guidelines

Office of Policy, Planning & Liaison

Office of Government Contracting & Business Development

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2 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 by which the SBA fulfills that mission.

3 STATUTORY GOALS

What Are the Statutory Federal Small Business Procurement Goals?

Federal small business procurement goals are set by Congress, which requires that the Federal government shall direct a percentage of spending dollars to small business concerns (SBCs), and certain socioeconomic categories of small businesses. In 1988, Congress first enacted a procurement goal in prime contracting for small businesses. Since then, goals have been increased, extended to include some subcontracting, and applied to socially and economically disadvantaged small businesses (SDBs), service-disabled veteran-owned small businesses (SDVOSBs), woman-owned small businesses (WOSBs), and small businesses in the Historically Underutilized Business Zone (HUBZone) Program. The Small Business Act (Section 15(g), 15 U.S.C. 644(g) (1)) includes the various small business procurement goals summarized below. Also see Appendix B.

| Small Business Category | Small Business Procurement Goals |
|-------------------------|---|
| SBCs | Not less than 23% of the total value of all prime contract awards for each fiscal year |
| SDBs | Not less than 5% of the total value of all prime contract and subcontract awards for each fiscal year |
| WOSBs | Not less than 5% of the total value of all prime contract and subcontract awards for each fiscal year |
| SDVOSB | Not less than 3% of the total value of all prime contract and subcontract awards for each fiscal year |
| HUBZone SBCs | Not less than 3% of the total value of all prime contract and subcontract awards for each fiscal year |

4 AGENCY GOALS AND GOVERNMENT-WIDE GOALS

Who is Responsible for Achieving Government-Wide Small Business Procurement Goals?

Every Federal agency with procurement authority is responsible for contributing toward the achievement of Federal government-wide small business procurement goals. Each agency 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 small business goaling program to ensure that the various government-wide small business goals are established for each agency 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 the statutory small business procurement goals.

5 CALCULATING SMALL BUSINESS PROCUREMENT GOALS

Small Business Prime Contracting Goals:

Are Agency Goals and Government-Wide Statutory Goals Identical?

Agency goals and government-wide statutory goals are not necessarily identical. The statutory goals are government-wide, meaning that the percentages are based on the aggregate eligible awards for contracts reported in Federal Procurement Data System - Next Generation ([FPDS-NG](#)). Each Federal 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)). See [Appendix B](#). SBA works with each agency to establish agency goals that provide small businesses the maximum opportunity to win Federal contracts, given that agency's procurement needs, and that enable the government to 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 FPDS-NG to generate its goaling report. If an action is not reported in FPDS-NG, it is excluded from the base. Actions excluded from the goaling base include contracts funded predominately with agency generated sources (i.e., non-appropriated funds), acquisitions with a statutorily mandated source, such as Federal Prison Industries or Ability One, and acquisitions on behalf of foreign governments. (For descriptions of specific Goaling Exclusions, please see [Appendix C](#))

Starting with FY 2018, SBA included in the "base" and used to calculate FY 2021 goals the following exclusions from prior years:

- American Institute of Taiwan
- Resale
- Utilities
- Excluded Agencies (Ex. Agencies)

6 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 makes 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.

Below is a description how the process works:

1. SBA negotiates with 24 Chief Financial Officer (CFO) Act of 1990 (Public Law 101-576) agencies to establish individual agency goals that, in the aggregate, constitute government-wide small business goals. A list of the 24 CFO Act agencies can be found in [Appendix D](#). 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 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 Federal Procurement Policy (OFPP) at the Office of Management and Budget (OMB) for resolution.

7 MONITORING AND EVALUATING SMALL BUSINESS GOAL ACHIEVEMENTS

Monitoring and Reporting Achievements toward Goals

The FPDS-NG is the government's authoritative source for all prime procurement data. SBA uses the information from FPDS-NG to monitor agencies' achievements against goals throughout the year. Agencies report in FPDS-NG each award over \$10,000 the micro-purchase threshold, including such details 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 contractor or subcontractors submit their subcontracting reports directly into the system, and the government representative reviews and accepts (or rejects) these reports.

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 women-owned small business concern would be counted toward the SB goal, the SDVOSB goal, and the WOSB goal. However, to avoid duplicative counting, these categories are not summed to triple the total count. (However, the total SDB goal is the sum of 8(a) SDBs and non-8(a)SDBs.)

Can Agencies Obtain Credit towards Goals for option years of contracts awarded to eligible firms?

Yes. Generally, SBA determines the eligibility of small business concerns at the time of offer (13 C.F.R. § 121.404(a) – Size, § 125.18(e) – SDVO SBC, § 127.503(h) – WOSB/EDWOSB, § 126.601 - HUBZone), at the time of award (§ 124.501(g) – 8(a) sole source), or as of the date set forth in the solicitation for the receipt of offers (§ 124.507(d) – competitive 8(a)). Agencies may receive credit for task orders and option years awarded to concerns that were eligible for the award of the underlying contract even if the size or status of the firm changes during the term of contract performance, unless the concern was required to recertify its size or status pursuant to SBA regulations. The requirement for recertification is triggered by events such as acquisitions, mergers, contract novation, adverse results of a size or status protest, at the five-year term for any long-term contract, and at the request of contracting officers. See 13 C.F.R. § 121.404(g), § 124.503(h)(1)(iii), § 125.18(e)(1), § 126.601(h), § 127503(h).

8 SMALL BUSINESS GOALING REPORT

Following the end of a fiscal year, and after all agencies have certified their data, General Service Administration (GSA) - FPDS locks down (pulls the data) as of a particular date and generates the Small Business Goaling Report (SBGR) resulting from the locked data set. The lock date is set in coordination with SBA. SBA uses that same dataset for all its analyses and reporting purposes for that fiscal year. This report calculates the overall government-wide 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 that the Exclusions mentioned above and described in Appendix C have already been removed from the base. Percentages are calculated as shown in the table below.

| Goal | Calculation |
|-------------|---|
| SB | Total Small Business Dollars divided by Total Small Business Eligible Dollars |
| SDB | Total Small Disadvantaged Business Dollars divided by Total Small Business Eligible Dollars (This includes awards made using 8(a) procedures) |
| SDVOSB | Total Service-Disabled Veteran-Owned Small Business Dollars divided by Total Small Business Eligible Dollars |
| WOSB | Total Women-Owned Small Business Dollars divided by Total Small Business Eligible Dollars |
| HUBZone SBC | Total HUBZone Small Business Dollars divided by Total Small Business Eligible Dollars |

For the SBGR, the funding department, not the awarding department, receives the goaling credit. The SBGR is run by funding department.

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 used as the basis for SBA’s Small Business Procurement Scorecard.

Each agency that fails to achieve any negotiated or statutory prime or subcontract goal is required to submit a corrective action report to SBA on why it failed to achieve the respective goal along with a proposed corrective action plan.

9 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 (DOE) 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 towards the annually established agency and government-wide goals for procurement contracts awarded.”

Starting from 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.

10 DOUBLE CREDIT

Starting with FY 2019, in accordance with federal law, the agencies will receive double credit, for scorecard and goaling purposes only, for prime contract awards in disaster areas that are awarded as a local area set aside and a small business or other socio-economic set aside when the vendor state is the same as the place of performance. 15 USC § 644(f).

Starting with FY 2019, in accordance with the statute, the agencies will receive double credit, for scorecard and goaling purposes only, for Puerto Rico awards, i.e. "If an agency awards a prime contract to Puerto Rico business during the period beginning on the date of enactment of this subsection [August 13, 2018] and ending on the date that is 4 years after such date of enactment, the value of the contract shall be doubled for purposes of determining compliance with the goals for procurement contracts under subsection (g)(1)(A)(i) during such period." 15 USC § 644(x)(1). A "Puerto Rico" business is defined as a small business concern that has its principal office located in the Commonwealth of Puerto Rico.

For purposes of determining whether a prime contract awardee is a Puerto Rico business, SBA uses the prime vendor address reported in FPDS-NG. Double-credit under § 644(x) is provided only for awards dated on or after August 13, 2018, and only for awards that do not already qualify for double-credit under § 644(f).

11 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 contract 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 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 GSA 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 of 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-NG 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 SBGR 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, SBA is dedicated to continuously enhance and improve data quality and to provide agencies with 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. This spot-check should be complementary to the agencies CAOs annual data certification to OFPP and GSA that their agency data is accurate, Federal Acquisition Regulation (FAR) Part 4.604, because SBA cannot correct the data reported in FPDS. For this, SBA generates the potential anomaly reports for the top ten agencies that have either small business contracts that have been awarded to businesses that appear to be large (i.e., businesses appeared in the top 100 vendor list from the SBGR data), missing NAICS codes, and/or missing contracting officer's size determination. The reports include original contracts for each fiscal year or any modification to the original contract where the anomalies spot-check areas were identified.

The spot-check utilized by SBA for anomaly reports for each fiscal year 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 SBGR 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 from anomaly reports firms that appear small under the relevant size standard. |
| 2. Missing NAICS Codes – Small Business Awards | SBA reviews the FPDS-NG SBGR data and flags contract actions where the NAICS Code field is coded “blank” or left empty. |
| 3. Missing Size Designation–Small Business Awards | SBA reviews the FPDS-NG SBGR data and flags contract actions where the contracting officer’s size designation is coded “blank” or is left empty. |

To assist agencies in improving and ensuring procurement data quality, GSA has developed standard anomaly reports in the suite of tools available in FPDS-NG. These reports use the protocols currently available to agencies and are standardized to make them easier to use.

12 APPENDIX A

12.1 GLOSSARY OF TERMS

| Term | Explanation |
|------------------|--|
| 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> <ul style="list-style-type: none"> Department of Agriculture (USDA) Department of Commerce (DOC) Department of Defense (DOD) Department of Education (EDUCATION) Department of Energy (DOE) Department of Health and Human Services (HHS) Department of Homeland Security (DHS) Department of Housing and Urban Development (HUD) Department of the Interior (DOI) Department of Justice (DOJ) Department of Labor (DOL) Department of State (STATE) Department of Transportation (DOT) Department of the Treasury (TREASURY) Department of Veterans Affairs (VA) Agency for International Development (USAID) Environmental Protection Agency (EPA) General Services Administration (GSA) National Aeronautics and Space Administration (NASA) National Science Foundation (NSF) Nuclear Regulatory Commission (NRC) Office of Personnel Management (OPM) Small Business Administration (SBA) Social Security Administration (SSA) |
| DUNS | Data Universal Numbering System (DUNS) 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 each business establishment entity. |
| Fiscal Year | The federal government’s fiscal year runs from October 1 of each year through September 30 of the following year. |

| Term | Explanation |
|-------------|---|
| HUBZone SBC | A HUBZone Small Business Concern (SBC) means a small business concern certified by SBA as qualified for federal contracting assistance under the HUBZone program (reference 13 CFR 126.103). |
| NAICS Code | The North American Industry Classification System (NAICS) code is used by business and government communities 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 CFO-Act 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, SDBs, WOSBs, SDVOSBs, and HUBZone small 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 as the Office of Small Business Programs (OSBP). A few other agencies have also adopted this change. |
| SBGR | The Small Business Goaling Report (SBGR) is a department level report within FPDS-NG that displays small business data for a specified time period by a funding agency. |
| SAM | System for Award Management (SAM), which serves as a federal government-contracting portal, allowing business owners to register their company to do business with the federal government and to represent/self-certify as a small business concern 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). |

| Term | Explanation |
|--|---|
| Scorecard | The annual Small Business Procurement Scorecard is an assessment tool that 1) measures how well federal agencies performed in reaching 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, WOSBs, SDBs, SDBOSBs, and small businesses located in Historically Underutilized Business Zones (HUBZones). The scorecard report is generated each fiscal year for each of the 24 CFO-Act agencies and the federal government-wide performance. |
| Service-Disabled Veteran Owned Small Business (SDVOSB) | A Service-Disabled Veteran Owned Small Business (SDVOSB) is 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 (SBC) | Except for small agricultural cooperatives, a Small Business Concern (SBC) is a business entity, which: 1) meets SBA's size standards; 2) is organized for profit; 3) has a place of business located in the United States, or 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; and 4) is eligible for SBA and other federal assistance. See 13 C.F.R. §121.105. |
| Woman Owned Small Business (WOSB) | A Woman Owned Small Business (WOSB) is a small business concern that is at least 51 percent owned and controlled by one or more women who are U.S. citizens in accordance with 13 C.F.R. §§ 127.200, 127.201 and 127.202. |
| Socially Disadvantaged Small Business (SDB) | A Socially Disadvantaged Small Business (SDB) is 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 who 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. See §§124.109, 124.110, and 124.111, respectively for the requirements related to these entities. |

13 APPENDIX B

13.1 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 these government-wide goals, 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.

(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; and

(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.”

14 APPENDIX C

14.1 GOALING EXCLUSIONS

The following small business goaling exclusions, as shown in the Appendix of the Small Business Goaling Report, show categories of contracts that are reported to the Federal Procurement Data System – Next Generation ([FPDS-NG](#)), but are not part of the Small Business Goaling Report. The table provided below shows each exclusion category with an explanation indicating why it is excluded. Most actions excluded from the goaling database are excluded because they are acquisitions on behalf of foreign governments, statutorily required directed sources, or funded with agency generated funds.

The goaling database includes only prime contracts awarded using appropriated funds covered by the FAR. The FAR requirements and FPDS-NG are only applicable to contracts awarded using appropriated funds.

As stated in the Appendix of the Small Business Goaling Report, the FPDS-NG is a dynamic, real-time database. Updates to the FPDS-NG 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.

Goaling Exclusion: Javits-Wagner-O 'Day Program

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.

Explanation for Javits-Wagner-O 'Day Program Exclusion

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.

Goaling Exclusion: UNICOR

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

| DUNS LIST | |
|-----------|-----------|
| 014723167 | 177021870 |
| 025866133 | 178845053 |
| 027435366 | 183606490 |
| 042811430 | 185501798 |
| 056435894 | 185930542 |
| 057272486 | 187651752 |
| 060771920 | 199234480 |
| 068638951 | 618879423 |

| DUNS LIST | |
|-----------|-----------|
| 014723167 | 177021870 |
| 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:

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

Explanation for UNICOR Exclusion

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.

Goaling Exclusion: Department of Defense (DOD)

Based on the Department of Defense's (DOD's) request, acquisitions performed outside of the U.S. and U.S. Territories* in connection with Contingency Operations (10 U.S.C. §101(a) (13)), were excluded from goaling base for FY 2016 and FY 2017. Beginning with FY 2018, the above exclusion from goaling is revised. NDAA 2017 revised the Small Business Act and provided a broader exclusion for contracts or task orders awarded by the DOD 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 U.S. and U.S. territories.

Explanation for DOD's Exclusion

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.

Code A 'Contingency operation as defined in 10 U.S.C 101(a) (13)' for the Data Element Contingency, Humanitarian and Peacekeeping Operation" effective in FPDS-NG when the date signed is equal to or greater than 10/01/2015.

Code 'B' 'Humanitarian or Peacekeeping Operation as defined in 10 U.S.C 2302(8)' for the Data Element Contingency, Humanitarian and Peacekeeping Operation" effective in FPDS-NG when the date signed is equal to or greater than 10/01/2017.

Code 'ZSF' 'Status of Forces Agreements' for "DOD Acquisition Program" effective in FPDS-NG when the date signed is equal to or greater than 10/01/2017.

All contracts that have the 'Country Where Award

Issued' Code as other than U.S. or U.S. Territories* and the 'Place of Performance' as other than US or US Territories, and the Funding Agency is DOD, and the date signed is equal to or greater 10/01/2017.

All records where the place of performance is equal to any country on the below list and the Funding Agency is DoD and the Date Signed is equal to or greater than 10/01/2017.

'Afghanistan', 'Albania', 'Armenia', 'Australia', 'Austria', 'Azerbaijan', 'Belarus', 'Belgium', 'Belize', 'Benin', 'Bosnia and Herzegovina', 'Brazil', 'Bulgaria', 'Burkina Faso', 'Burundi', 'Cambodia', 'Cameroon', 'Canada', 'Central African Republic', 'Chad', 'Comoros', 'Democratic Republic of the Congo', 'Cote D'Ivoire', 'Croatia', 'Cyprus', 'Czech Republic', 'Denmark', 'El Salvador', 'Estonia', 'Finland', 'France', 'Gabon', 'Georgia', 'Germany', 'Ghana', 'Greece', 'Grenada', 'Guatemala', 'Guinea', 'Guyana', 'Haiti', 'Honduras', 'Hungary', 'Iceland', 'Iraq', 'Ireland', 'Israel', 'Italy', 'Japan', 'Jordan', 'Kazakhstan', 'Korea', 'Kosovo', 'Kyrgyzstan', 'Latvia', 'Liberia', 'Lithuania', 'Luxembourg', 'Macedonia', 'Madagascar', 'Mali', 'Malta', 'Moldova', 'Montenegro', 'Mozambique', 'Nepal', 'Netherlands', 'Nicaragua', 'Niger', 'Nigeria', 'Norway', 'Panama', 'Papua New Guinea', 'Philippines', 'Poland', 'Portugal', 'Romania', 'Russian Federation', 'Rwanda', 'Saint Kitts and Nevis', 'Saint Lucia', 'Samoa', 'Senegal', 'Serbia', 'Seychelles', 'Singapore', 'Slovakia', 'Slovenia', 'Solomon Islands', 'South Africa', 'Spain', 'Sri Lanka', 'Sudan', 'Suriname', 'Swaziland', 'Sweden', 'Switzerland', 'Tajikistan', 'Timor-Leste', 'Tonga', 'Trinidad and Tobago', 'Turkey', 'Turkmenistan', 'Uganda', 'Ukraine', 'United Kingdom', 'Uzbekistan'.

The 'Country Where Award was Issued' will be derived from the Country of the Contracting Office associated with the contract. Based on this derivation the following new exclusion will be added:

-All contracts that have the 'Country Where Award was Issued' Code as other than USA or USA Territories and the Place of Performance as other than USA or USA Territories, and the Funding Agency is DoD, and Date Signed is equal to or greater 10/01/2017

* U.S. Territories:

AMERICAN SAMOA [UNITED STATES] UNITED STATES MINOR OUTLYING ISLANDS MIDWAY ISLANDS [UNITED STATES] NORTHERN MARIANA ISLANDS [UNITED STATES] GUAM [UNITED STATES] PUERTO RICO [UNITED STATES] NAVASSA ISLAND [UNITED STATES] JARVIS ISLAND [UNITED STATES] BAKER ISLAND [UNITED STATES] HOWLAND ISLAND [UNITED STATES] JOHNSTON ATOLL [UNITED STATES] KINGMAN REEF [UNITED STATES] PALMYRA ATOLL [UNITED STATES] VIRGIN ISLANDS [UNITED STATES] WAKE ISLAND [UNITED STATES] UNITED STATES MISCELLANEOUS PACIFIC ISLANDS

Reference:

https://www.fpds.gov/Reports/manage/html/preview_Small_Business_Goaling_Report.html

Goaling Exclusion: Funded by Foreign Entity

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.

Explanation for Funded by Foreign Entity Exclusion

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.

Goaling Exclusion: Lease

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)

Explanation for Lease Exclusion

Leases are included to the extent reported in FPDS-NG.

Goaling Exclusion: TRICARE

Tricare DODAAC - H94002 (based on Contracting Code) and Tricare DODAAC - HT9402 (based on Contracting Office Code)

Explanation for TRICARE Exclusion

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.

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.

Tricare DODAAC – H94002 and HT9402 (based on 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 and HT9402 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).

Goaling Exclusion: 00NAF (based on Contracting Officer Code)

Centers for Medicare & Medicaid Services (CMS) non-appropriated funded contracts - 00NAF. (based on Contracting Officer Code)

Explanation for Centers for Medicare & Medicaid Services (CMS) non-appropriated funded contracts - 00NAF Exclusion

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.

Goaling Exclusion: Department of Education's Not-for-Profit (NFP)

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. The data are excluded when the signed date is equal to or greater than October 1, 2013.

Explanation for Department of Education's Not-for-Profit (NFP) Exclusion

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).

Contract Number Servicer:
EDFSA11D0012 MISSOURI HIGHER
EDUCATION LOAN AUTHORITY
EDFSA12D0003 UTAH HIGHER
EDUCATION ASSISTANCE AUTHORITY
EDFSA12D0005 EDUCATIONAL
SERVICES OF AMERICA, INC.
EDFSA12D0006 ASPIRE RESOURCES INC.
EDFSA12D0007 NEW HAMPSHIRE
HIGHER EDUCATION LOAN CORP
EDFSA12D0012 OKLAHOMA STUDENT
LOAN AUTHORITY
EDFSA13D0001 VERMONT STUDENT
ASSISTANCE CORPORATION

The statute requires the Department of Education to use NFP contractors for this particular service, so there is no small business opportunity.

15 APPENDIX D

15.1 CFO ACT AGENCIES

| | |
|-----------|---|
| USDA | Department of Agriculture (1200) |
| DOC | Department of Commerce (1300) |
| DOI | Department of the Interior (1400) |
| DOJ | Department of Justice (1500) |
| DOL | Department of Labor (1600) |
| State | Department of State (1900) |
| Treasury | Department of the Treasury (2000) |
| OPM | Office of Personnel Management (2400) |
| SSA | Social Security Administration (2800) |
| NRC | Nuclear Regulatory Commission (3100) |
| VA | Department of Veterans Affairs (3600) |
| GSA | General Services Administration (4700) |
| NSF | National Science Foundation (4900) |
| EPA | Environmental Protection Agency (6800) |
| DOT | Department of Transportation (6900) |
| DHS | Department of Homeland Security (7000) |
| USAID | United States Agency for International Development (7200) |
| SBA | Small Business Administration (7300) |
| HHS | Department of Health and Human Services (7500) |
| NASA | National Aeronautics and Space Administration (8000) |
| HUD | Department of Housing and Urban Development (8600) |
| DOE | Department of Energy (8900) |
| Education | Department of Education (9100) |
| DOD | Department of Defense (9700) |