



DEPARTMENT OF THE TREASURY
WASHINGTON, D.C. 20220

Procurement
Instruction
Memorandum
No. 99-03
Feb. 1, 1999

MEMORANDUM FOR BUREAU CHIEF PROCUREMENT OFFICERS

FROM: Annelie M. Kuhn, Acting Director *Annelie M. Kuhn*
Office of Procurement

SUBJECT: Implementation of FACs 97-06 and 97-07, and Other Minor Changes
DTAR Change 98-05

Purpose: This DTAR Change updates the DTAR at 1019 as a result of FAC's 97-06 and 97-07. Also, two other minor changes are made to Parts 1001 and 1019.

Effective Date: February 1, 1999

Expiration Date: This PIM will expire when superseded or canceled.

Background: As a result of FAC 97-06, DTAR 1019.201(f)(1) is added to designate the AS(M) as the appropriate personnel to make the required determination. As a result of FAC 97-07, DTAR 1019.1202-3(e) assigns value when considering an offeror's past performance.

The following minor changes are also made:

DTAR 1001.106 is changed to reflect that the date is no longer required to accompany the OMB Control Number on documents.

DTAR 1019.803(c) is modified to reflect the original intent of the paragraph, which was to carry forward without substantive change the requirements in TAPR 1019.803(a).

<u>Action:</u>	Remove DTAR pages:	Insert DTAR pages:
	1-1 through 1-2 19-1 through 19-8	1-1 through 1-2 19-1 through 19-8

Questions may be directed to Angelie Jackson at (202) 622-0245.

PART 1001 - FEDERAL ACQUISITION REGULATIONS SYSTEM

[Department of the Treasury Acquisition Regulation]

Subpart 1001.1 -- Purpose, Authority, Issuance

- 1001.102 Statement of Guiding Principles for the Federal Acquisition System.
- 1001.106 OMB Approval Under the Paperwork Reduction Act.

Subpart 1001.3 -- Agency Acquisition Regulations

- 1001.301 Policy.
- 1001.303 Publication and codification.
- 1001.304 Agency control and compliance procedures.

Subpart 1001.4 -- Deviations From The FAR

- 1001.403 Individual deviations.
- 1001.404 Class deviations.

Subpart 1001.6 -- Career Development, Contracting Authority, and Responsibilities

- 1001.601 General.
- 1001.602 Contracting officers.
- 1001.602-3 Ratification of unauthorized commitments.
- 1001.603 Selection, appointment, and termination of appointment.
- 1001.603-1 General.
- 1001.603-2 Selection.
- 1001.603-3 Appointment.
- 1001.670 Selection, appointment, and termination of appointment of contracting officer's technical representatives.
- 1001.670-1 General.
- 1001.670-2 Appointment.
- 1001.670-3 Contract clause.

Subpart 1001.7 -- Determinations and Findings

- 1001.704 Content.

Subpart 1001.70 -- Other Determinations, Waivers, Exceptions, Approvals, Reviews, and Submittals

- 1001.7000 Coordination and approval.
- 1001.7001 Content.

Subpart 1001.1 -- Purpose, Authority, Issuance

1001.102 Statement of Guiding Principles for the Federal Acquisition System.

(d) The Federal Acquisition Regulation and this supplement are to be interpreted permissively, if pursuant actions are consistent with statutory and regulatory requirements, policy, and sound professional judgement.

1001.106 OMB Approval Under the Paperwork Reduction Act.

OMB has assigned the following control numbers that must appear on the upper right-hand corner of the face page of each solicitation, contract, modification, and order:

- OMB Control No. 1505-0081 (Offeror submissions)
- OMB Control No. 1505-0080 (Contractor submissions)
- OMB Control No. 1505-0107 (Protests)

OMB regulations and OMB's approval and assignment of control numbers are conditioned upon Treasury bureaus not requiring more than three copies (including the original) of any document of information.

OMB has granted a waiver to permit the Department to require up to eight copies of proposal packages, including proprietary data, for solicitations, provided that contractors who submit only an original and two copies will not be placed at a disadvantage.

Subpart 1001.3 -- Agency Acquisition Regulations

1001.301 Policy.

(a) The DTAR is issued for Depart-

Department of the Treasury Acquisition Regulation (DTAR)

mental guidance in accordance with the policy cited in FAR 1.301. The DTAR establishes uniform Treasury policies and procedures for all acquisition activities within the Department of the Treasury, except the United States Mint. The DTAR is issued pursuant to the authority of FAR 1.301(a).

1001.303 Publication and codification.

(a) When the FAR requires no additional implementation, the DTAR will not contain corresponding citations.

1001.304 Agency control and compliance procedures.

(a) The DTAR is under the direct oversight and control of MMK, which is responsible for evaluation, review, and issuance of all Department-wide acquisition regulations and guidance. The Treasury DTAR Council will review new legislation, statutes, Executive Orders, and FAR changes, and recommend implementing language for the DTAR. Each BCPO may implement and supplement the DTAR. Implementation and supplementation should be kept to a minimum. Bureaus proposing to issue regulatory supplements or use solicitation and/or contract clauses on a repetitive basis shall forward them to the SPE for concurrence prior to publication in the *Federal Register*.

(c) This is the responsibility of the SPE.

Subpart 1001.4 -- Deviations From the FAR

1001.403 Individual deviations.

The SPE is authorized to approve deviations from the FAR or DTAR (except FAR Subparts 30.201-3, 30.201-4; the requirements of the Cost Accounting Standards board rules and regulations at 48 CFR Chapter 99 (FAR Appendix); and Part 50). Submit requests per 1001.7000(a), including complete documentation of the justification for the deviation.

1001.404 Class deviations.

The SPE will transmit a copy of each approved deviation to the FAR Secretariat.

(a) The SPE is authorized to approve deviations from the FAR or DTAR (except FAR Subparts 30.201-3, 30.201-4; the requirements of the Cost Accounting Standards board rules and regulations at 48 CFR Chapter 99 (FAR Appendix); and Part 50). Submit requests per 1001.7000(a), including complete documentation of the justification for the deviation, and the number and type of contracting actions affected. Include a copy of the approved deviation in each contract file.

Subpart 1001.6 -- Career Development, Contracting Authority, and Responsibilities

1001.601 General.

Authority and responsibility vested in the Secretary to manage the acquisition function has been delegated to the AS(M) under Treasury Order 101-30, "Designation of 'Head of Agency' for Procurement Matters," and, in turn, to the SPE and HCAs by Treasury Directive No. 12-11, "Procurement Authority."

1001.602 Contracting officers.

1001.602-3 Ratification of unauthorized commitments.

(a) Definitions

"Commitment" includes the issuance of "letters of intent" and arrangements for "free" vendor services or use of equipment with the promise or the appearance of commitment that a contract, modification, or order will be awarded.

(b) Policy

(3) The chief of an acquisition field office, without redelegation, is authorized to ratify unauthorized commitments at or below 10 percent of

Department of the Treasury Acquisition Regulation (DTAR)

PART 1019 - SMALL BUSINESS PROGRAMS

1019.000 Scope of part.

Subpart 1019.2 -- Policies

1019.201 General policy.
1019.202 Specific policies.
1019.202-1 Encouraging small business participation in acquisitions.
1019.202-4 Solicitation.

Subpart 1019.3 -- Determination of Status as a Small Business Concern

1019.302 Protesting a small business representation.

Subpart 1019.4 -- Cooperation with the Small Business Administration

1019.401 General.
1019.402 Small Business Administration procurement center representatives.

Subpart 1019.5 -- Set-Asides for Small Business

1019.501 General.
1019.503 Setting aside a class of acquisitions.
1019.505 Rejecting Small Business Administration recommendations.
1019.506 Withdrawing or modifying set-asides.

Subpart 1019.6 -- Certificates of Competency

1019.602 Procedures.
1019.602-1 Referral.
1019.602-2 Issuing or denying a certificate of competency (COC).
1019.602-3 Resolving differences between the agency and the Small Business Administration.

Subpart 1019.7 -- Subcontracting with Small Business, Small Disadvantaged Business and Women-Owned Small Business Concerns

1019.705 Responsibilities of the contracting officer under the subcontracting assistance program.
1019.705-2 Determining the need for a subcontracting plan.
1019.705-3 Preparing the solicitation.
1019.705-4 Reviewing the subcontracting plan.

1019.705-7 Liquidated damages.
1019.708 Solicitation provisions and contract clauses.

Subpart 1019.8 -- Contracting with the Small Business Administration (The 8(a) Program)

1019.800 General.
1019.803 Selecting acquisitions for the 8(a) program.
1019.803-71 Simplified Procedures for 8(a) Acquisitions Under MOUs.
1019.804 Evaluation, offering and acceptance.
1019.804-2 Agency offering.
1019.804-3 SBA acceptance.
1019.804-370 SBA acceptance under the MOU for acquisitions exceeding \$500,000.
1019.805 Competitive 8(a).
1019.805-1 General.
1019.805-2 Procedures.
1019.806 Pricing the 8(a) contract.
1019.808 Contract negotiation.
1019.808-1 Sole source.
1019.811 Preparing the contracts.
1019.811-1 Sole source.
1019.811-2 Competitive.
1019.811-3 Contract clauses.
1019.812 Contract administration.
1019.812-70 Information.

Subpart 1019.12 -- Small Disadvantaged Business Participation Program

1019.1202-3 Consideration in developing an evaluation factor or subfactor.

1019.000 Scope of part.

(a) TD P 76-01.B, "Small Business Program Handbook," (January, 1997), provides detailed information.

Subpart 1019.2 -- Policies

1019.201 General policy.

(b) BCPO's will implement small

Department of the Treasury Acquisition Regulation (DTAR)

business programs in accordance with applicable statutes, regulations, and policies (e.g., TD P 76-01.B).

(c) The AS(M) is the Director, Office of Small and Disadvantaged Business Utilization (OSDBU). The Director, OSDBU has designated a Director, Office of Small Business Programs (OSBP), located in MMD, with duties and functions including those specified at FAR 19.201(c).

(d) BCPO's will appoint Small Business Specialists (SBS) in accordance with TD P 76-01.B.

(f)(1) The AS(M) shall make any determinations. Submit requests in accordance with DTAR 1001.7000(b).

1019.202 Specific policies.

1019.202-1 Encouraging small business participation in acquisitions.

(c) CO's may negotiate payment terms less than 30 calendar days to encourage small business participation. A period of less than seven days shall not be prescribed. See FAR 32.906(b). The CO shall make the determination in consultation with the bureau finance office. See 1032.903(b), for comments on restructuring these two provisions, which would be preferable to merely adding to the existing language in 1019.202-1(c).

1019.202-4 Solicitation.

(b) To encourage small business participation, particularly where subcontracting opportunities exist or teaming arrangements are feasible, the CO may provide a copy of the Solicitation Mailing List concurrently with the solicitation, or provide a copy to any small business requesting the List. Do not process such requests under FOIA.

Subpart 1019.3 -- Determination of Status as a Small Business Concern

1019.302 Protesting a small business representation.

Any protest or appeal involving the SBA should

be immediately brought to the attention of the bureau SBS and the OSBP.

Subpart 1019.4 -- Cooperation with the Small Business Administration

1019.401 General.

(b) The Director, OSDBU has designated the OSBP to be Treasury liaison with the SBA.

1019.402 Small Business Administration procurement center representatives.

(c)(3) Recommended sources shall be included on the list. Consult the PCR if the list is being limited.

(c)(4) If the PCR files an appeal, the SBS shall promptly notify the OSBP.

Subpart 1019.5 -- Set-Asides for Small Business
1019.501 General.

(c) CO's shall make available for review by the SBS all proposed open market acquisitions in excess of \$2,500 which have not been unilaterally set-aside for small business. Requisitions shall be provided to the SBS for review upon receipt in the contracting office. If the CO rejects an SBS recommendation, written notice shall be provided to the OSBP within 5 working days.

(d) CO's shall make available for review by the PCR all proposed open market acquisitions in excess of \$100,000 which have not been unilaterally set-aside for small business or the 8(a) program, and shall make available any other such proposed acquisitions exceeding the micro-purchase threshold at the request of the PCR.

(g) CO's shall carefully document decisions to award to other than small business based on price reasonableness. Awards may be made to small businesses over large businesses even

Department of the Treasury Acquisition Regulation (DTAR)

though their prices may be higher, if they are not unreasonable (i.e., exceed fair market price).

1019.503 Setting aside a class of acquisitions.

(a) Once a product or service has been acquired successfully on a set-aside basis, all future requirements of that office must be set-aside.

(c)(1) Listed below are products and services set-aside as a class for exclusive small business competition exceeding the simplified acquisition threshold. These class set-asides apply to all Treasury acquisition offices. Bureau headquarters acquisition offices shall establish appropriate additional bureau and field class set-asides.

Purchases of any service listed below of \$1,000,000 or less per year:

Service	SIC Code Group*	Service Code Category**
Business services, including ADP	73	A, D, J, N, R, T, U, V
Engineering, Accounting, Research, Management and Related services	87	A, B, C, R, U
Housekeeping services	73	S
Maintenance and repair of equipment	75,76	J, K
Motion picture production	78	T
Motor freight transportation and warehousing	42	V, R
Printing and publishing	27	T
Training	82	U
Transportation services	47	V

The purchase of any construction listed below of \$3,000,000 or less:

Construction	SIC Code Group*	Service Code Category **
Building	15	Y, Z
Special trades	17	Y, Z

* Reference: 13 CFR Part 121 or FAR Subpart 19.102

** Reference: Federal Procurement Data Center Product and Service Code Manual

All items in a major group or category are included in the class set-aside.

1019.505 Rejecting Small Business Administration recommendations.

(b) The SBS shall inform the OSBP of any appeals and their outcome.

1019.506 Withdrawing or modifying set-asides.

(a) The SBS shall forward the written notice to the OSBP.

(b) Withdrawal or modification of class

Department of the Treasury Acquisition Regulation (DTAR)

set-asides in 1019.503(a) and (c)(1) shall be forwarded through the SBS for approval by the OSBP.

Subpart 1019.6 -- Certificates of Competency

1019.602 Procedures.

1019.602-1 Referral.

(a) A determination that a small business is not responsible shall not be made without benefit of a preaward survey and preparation of documentation to substantiate the determination. Information adversely affecting the responsibility determination shall be coordinated with the SBS.

(a)(2) Provide a copy of the CO's referral letter and supporting documents to the SBS and the OSBP.

1019.602-2 Issuing or denying a certificate of competency (COC).

(d) Provide a copy of the SBA response to the SBS and the OSBP.

1019.602-3 Resolving differences between the agency and the Small Business Administration.

(a) CO's may work directly with the SBA area office through their SBS. The CO shall coordinate suspension actions and referrals with the SBS and the OSBP.

(3) If the CO decides to appeal issuance of a COC, the CO shall notify the SBS and the OSBP within five business days after receiving the Headquarters notice that the decision to issue a COC may be appealed.

Subpart 1019.7 -- Subcontracting with Small Business, Small Disadvantaged Business and Women-Owned Small Business Concerns

1019.705 Responsibilities of the contracting officer under the subcontracting assistance program.

1019.705-2 Determining the need for a subcontracting plan.

(c) Submit determinations that no subcontracting possibilities exist for a contract, through the SBS and PCR, to the OSBP for approval at least 10 workdays prior to solicitation release.

1019.705-3 Preparing the solicitation.

CO's shall provide SBSs and the PCR on an as-requested basis 5 workdays to review solicitations requiring submissions of subcontracting plans and submit advisory findings before solicitation release.

(a)[added] A Subcontracting Plan Outline with advisory goals shall be included in all solicitations that require subcontracting plans.

(b)[added] For large or complex acquisitions where substantial subcontracting opportunities exist, the CO shall consider including the offeror's subcontracting plan and performance as an evaluation factor for award.

(70) The plan evaluation shall be separate from the technical or cost evaluation.

(71) The offeror's prior performance on its subcontracting plans shall account for half of the total number of points available for that factor.

(72) CO's shall consult with the SBS prior to incorporating subcontracting plans as an evaluation factor for award.

(c)[added] Submission of SF 294, "Subcontracting Report for Individual Contracts," and SF 295, "Summary Subcontract Report," reports shall be included as a not separately priced deliverable under the contract when a subcontracting plan is required.

(d)[added] Reports from Treasury prime contractors shall consist of the following:

Department of the Treasury Acquisition Regulation (DTAR)

(70) For contractors with individual plans, including master plans with individual goals, a semiannual SF 294. This report is required to be submitted to the CO, who shall forward a copy to the OSBP. An annual SF 295 is required to be submitted to the OSBP.

1019.705-4 Reviewing the subcontracting plan.

(a) Detailed instructions for reviewing subcontracting plans are contained in TD P 76-01.B.

(d)(1) Unless waived by the OSBP, prime contractors must be current in their submission of SF 294 and SF 295 reports in order to receive approval of new subcontracting plans.

(d)(7) The CO shall forward all subcontracting plans from the offeror(s) to the bureau SBS for initial review. The SBA PCR shall review all subcontracting plans, after review by the SBS, and prior to forwarding to the OSBP for approval. CO's shall provide the SBSs and the PCR each 5 workdays to review proposed subcontracting plans. Ideally, the SBS and PCR reviews should be performed concurrently. All subcontracting plans shall be submitted to the OSBP at least 10 workdays prior to the contract award date. Upon request, a copy of the proposed prime contract and the cost proposal shall be provided. A copy of the lead agency CO's approval of a master or commercial products subcontracting plan shall be attached. The OSBP approval shall be retained in the contract file.

1019.705-7 Liquidated damages.

(d) The CO shall consult with legal counsel, the SBS, and the OSBP prior to making a determination that the contractor failed to make a good faith effort to carry out its plan.

(e) Provide a copy of the final decision to the SBS and the OSBP.

(h) Provide a copy of the final decision

to the SBS and the OSBP.

1019.708 Solicitation provisions and contract clauses.

(b)(70) Insert the clause at 1052.219-70, "SF 294 and SF 295 Reporting," in all solicitations and contracts requiring a subcontracting plan.

(b)(71) Insert the provision at 1052.219-71, "Subcontracting Plan," in all solicitations that will require a subcontracting plan.

Subpart 1019.8 -- Contracting with the Small Business Administration (The 8(a) Program)

1019.800 General.

CO's may contract directly with 8(a) program participants . A contract may be awarded directly to an 8(a) firm on a sole source or competitive basis. (See PIM 98-06, including Memorandum of Understanding between the SBA and the Department that establishes streamlined procedures for expediting the award of 8(a) requirements.)

1019.803 Selecting acquisitions for the 8(a) program.

(a) Responses to search letters shall be prepared by the SBS and coordinated with the CO.

(c) Once a product or service has been acquired successfully by an acquisition office on the basis of an 8(a) set-aside, all future requirements of that office for that product or service shall be acquired using 8(a) set-aside procedures. If a CO determines there is no longer a reasonable likelihood that an offer can be obtained from a qualified 8(a) concern and award can be made at fair market prices, the repetitive set-aside must be withdrawn, using the procedures at 1019.506, prior to proceeding with the procurement on another basis.

Department of the Treasury Acquisition Regulation (DTAR)

1019.803-71 Simplified Procedures for 8(a) Acquisitions Under MOUs.

Contracting activities may use the procedures of FAR Part 13 and DTAR Part 1013 to issue purchase orders or contracts, not exceeding \$100,000, to 8(a) participants. The \$100,000 limitation for use of FAR Part 13 applies to commercial and noncommercial items. The following applies to such acquisitions:

(a) Neither offering letters to, nor acceptance letters from, the SBA are required.

(b) The contracting activity shall use the SBA's PRO-Net database on the Internet (<http://www.sba.gov>) to establish that the selected 8(a) firm is a current program participant.

(c) Once an 8(a) contractor has been identified, the CO shall establish the price with the selected 8(a) contractor, prepare and issue a purchase order or contract in accordance with the provisions in FAR Part 13. The applicable clauses in FAR Part 19.811-3 shall be included in the award document.

(d) The CO shall issue the purchase order or contract directly to the 8(a) firm. The CO shall insert FAR clause 52.219-14, Limitations on Subcontracting, and DTAR clause 1052.219-72, Section 8(a) Direct Award, in all purchase orders and contracts awarded under this subsection.

(e) No later than the day that the purchase order is provided to the 8(a) contractor, the Treasury CO shall provide the cognizant SBA Business Opportunity Specialist, using facsimile or electronic mail, the following documents:

(i) a copy of the purchase order; and

(ii) a notice stating that the purchase order is being processed under the MOU. The notice shall also indicate that the 8(a) contractor will be deemed eligible for award and automatically begin work under the purchase order unless, within 2 working days after SBA's receipt of the purchase order, the 8(a) contractor and the Treasury CO are notified that the 8(a) contractor is ineligible for award.

1019.804 Evaluation, Offering and Acceptance.

1019.804-2 Agency offering.

(a) When applicable, notification shall identify that the offering is in accordance with the MOU identified in 1019.800.

1019.804-3 SBA acceptance.

1019.804-370 SBA acceptance under the MOU for acquisitions exceeding \$100,000.

(a) The SBA's decision whether to accept the requirement shall be transmitted to the contracting agency in writing within five working days of receipt of the offer.

(b) The SBA may require, and the contracting agency may grant, an extension beyond the five day limit.

(c) SBA's acceptance letter should be faxed or e-mailed to the offering contracting activity.

(d) If the offering contracting agency has not received an acceptance or rejection of the offering from SBA within five days of SBA's receipt of the offering letter, the procurement office shall contact SBA to ascertain the status of the acceptance letter.

(e) The contents of the acceptance letter shall be limited to the eligibility of the recommended 8(a) contractor.

(f) The CO shall issue the contract directly to the 8(a) firm. The CO shall insert FAR clause 52.219-14, Limitations on Subcontracting, and DTAR clause 1052.219-72, Section 8(a) Direct Award, in all contracts awarded under this subsection.

(g) The CO shall forward to the SBA District Office service the 8(a) firm a copy of the contract with offer and acceptance letter, or modifications within five days after they are issued.

Department of the Treasury Acquisition Regulation (DTAR)

1019.805 Competitive 8(a).

participant, the SBA may participate in the negotiations.

1019.805-1 General.

(a)(2) For IDIQ contracts, the threshold will be applied to the maximum value of the contract, including options.

1019.811 Preparing the contracts.

1019.811-1 Sole source.

1019.805-2 Procedures.

(a) 8(a) acquisitions may be conducted using simplified acquisition procedures (see FAR Part 13).

(d) If the award is to be made under 1019.800, the contract to be awarded by the contracting activity to the 8(a) firm shall be prepared in accordance with the contracting activity's normal procedures, given contract type and dollar amount, that the contracting activity would use for a similar, non-8(a) acquisition, except for the following:

(a)(1) For requirements exceeding \$100,000 processed under DTAR 1019.800, the CO shall submit the name, address, and telephone number of the low offeror (in sealed bid acquisitions) or the apparent successful offeror (in negotiated acquisitions) to the SBA Business Opportunity Specialist at the field office servicing the identified 8(a) firm. The SBA shall determine the eligibility of the firm(s) and advise the CO within two working days of receipt of the request. If the firm is determined to be ineligible, the CO shall submit information on the next low offeror or next apparent successful offeror, as applicable, to the cognizant SBA field office.

(1) The award form shall cite 41 U.S.C. 253 (c)(5) or 10 U.S.C. 2304 (c)(5), as appropriate, and 15 U.S.C. 637 (a) as the authority for use of other than full and open competition.

1019.806 Pricing the 8(a) contract.

(a) When required by FAR Subpart 15.4, the CO shall obtain certified cost or pricing data directly from the 8(a) contractor if the contract is being awarded under DTAR 1019.800.

(2) Appropriate contract clauses shall be included, as necessary, to reflect that the acquisition is an 8(a) contract made under DTAR 1019.800.

1019.808 Contract negotiation.

(3) The contracting activity shall include SBA's requirement number on the award document for acquisitions exceeding \$100,000.

1019.808-1 Sole source.

(a) If the acquisition is conducted under DTAR 1019.800, the 8(a) contractor is responsible for negotiating with the CO within the time established by the contracting office. If the 8(a) contractor does not negotiate within the established time and the CO cannot allow additional time, the CO may, after notification and approval by SBA, proceed with the acquisition from other sources.

(4) A single award document shall be used between the agency and the 8(a) contractor. As such, a single signature by the agency's contracting officer who is identified under 1019.800 will suffice, i.e., an SBA signature will not be required. The 8(a) contractor's signature shall be placed on the award document as the prime contractor. The 8(a) contractor's name and address shall be placed in the "Awarded to" or "Contractor name" block on the appropriate forms.

(b) If the acquisition is conducted under DTAR 1019.800, the CO shall negotiate directly with the 8(a) participant; however, if requested by the 8(a)

1019.811-2 Competitive.

(a) If the award is made under the delegation of 8(a) authority, competitive contracts for 8(a) firms shall be prepared in accordance with the same standards as 8(a) firms shall be prepared in accordance with the same standards as 8(a) sole source contracts. See DTAR 1019.811-1.

(b) If the acquisition is conducted under

Department of the Treasury Acquisition Regulation (DTAR)

DTAR 1019.800, the process for obtaining signatures shall be as specified in DTAR 1019.811-1(d)(4).

1019.811-3 Contract clauses.

(d)(3) The CO shall insert the clause at FAR 52.219-18, Notification of Competition Limited to Eligible 8(a) Concerns, with its Alternate III (Deviation), when the acquisition is processed under DTAR 1019.800.

(f) The CO shall insert the clause at DTAR 1052.219-72, Section 8(a) Direct Award, in solicitations and contracts that exceed \$100,000 and are processed under DTAR 1019.800. The clauses at FAR 52.219-11, Special 8(a) Contract Conditions; 52.219-12, Special 8(a) Subcontract Conditions; and 52.219-17, Section 8(a) Award, shall not be used.

1019.812 Contract administration.

Awards under DTAR 1019.800 are subject to 15 U.S.C. 637(a)(21). These contracts contain the clause entitled, Section 8(a) Direct Award, that requires the 8(a) contractor to notify the SBA and the CO when ownership of the firm is being transferred.

1019.812-70 Information.

CO's shall promptly notify the SBA, and inform the SBS of 8(a) contractor performance problems.

**Subpart 19.12 -- Small Disadvantaged
Business Participation Program**

1019.1202-3 Consideration in developing an evaluation factor or subfactor.

(e) Past performance of offerors shall be considered in developing an SDB participation evaluation factor or subfactor. The other criteria in FAR 19.1202-3 shall also be considered when appropriate under the circumstances.