

proposed bundled contract or order justify its use; and

(6) Identify alternative strategies that would reduce or minimize the scope of the bundling, and the rationale for not choosing those alternatives.

\* \* \* \* \*

## **PART 8—REQUIRED SOURCES OF SUPPLIES AND CONTRACTS**

5. Amend section 8.404 in the introductory text of paragraph (a)(1) by removing the period at the end of the first sentence and adding “and the requirement at 19.202–1(e)(1)(iii).” in its place; and revising paragraph (a)(2) to read as follows:

### **8.404 Using schedules.**

(a) \* \* \*

(2) Orders placed under a Federal Supply Schedule contract—

(i) Are not exempt from the development of acquisition plans (see Subpart 7.1), and an information technology acquisition strategy (see Part 39); and

(ii) Must comply with all FAR requirements for a bundled contract when the order meets the definition of “bundled contract” (see 2.101(b)).

\* \* \* \* \*

## **PART 16—TYPES OF CONTRACTS**

6. Amend section 16.505 by removing the word “and” from the end of paragraph (a)(7)(i); removing the period at the end of paragraph (a)(7)(ii) and adding “; and” in its place; and adding paragraph (a)(7)(iii) to read as follows:

### **16.505 Ordering.**

(a) \* \* \*

(7) \* \* \*

(iii) Must comply with all FAR requirements for a bundled contract

when the order meets the definition of “bundled contract” (see 2.101(b)).

\* \* \* \* \*

## **PART 19—SMALL BUSINESS PROGRAMS**

7. Amend section 19.201 by removing the period at the end of paragraph (d)(10) and adding a semicolon in its place; and adding paragraphs (d)(11) and (d)(12) to read as follows:

### **19.201 General policy.**

\* \* \* \* \*

(d) \* \* \*

(11) Conduct periodic reviews to assess the—

(i) Extent to which small businesses are receiving a fair share of Federal procurements, including contract opportunities under the programs administered under the Small Business Act;

(ii) Adequacy of contract bundling documentation and justifications; and

(iii) Actions taken to mitigate the effects of necessary and justified contract bundling on small businesses; and

(12) Provide a copy of the assessment made under paragraph (d)(11) of this section to the Agency Head and SBA Administrator.

\* \* \* \* \*

8. Amend section 19.202 by adding a new sentence after the first sentence to read as follows:

### **19.202 Specific policies.**

\* \* \* Agencies shall establish procedures including dollar thresholds for review of acquisitions by the Director or the Director's designee for the purpose of making these recommendations. \* \* \*

9. Amend section 19.202–1 by revising paragraph (e)(1)(iii) to read as follows:

### **19.202–1 Encouraging small business participation in acquisitions.**

\* \* \* \* \*

(e)(1) \* \* \*

(iii) The proposed acquisition is for a bundled requirement. (See 10.001(c)(2)(i) for mandatory 30-day notice requirement to incumbent small business concerns.) The contracting officer shall provide all information relative to the justification of contract bundling, including the acquisition plan or strategy and, if the acquisition involves substantial bundling, the information identified in 7.107(e). When the acquisition involves substantial bundling, the contracting officer shall also provide the same information to the agency Office of Small and Disadvantaged Business Utilization.

\* \* \* \* \*

## **PART 42—CONTRACT ADMINISTRATION AND AUDIT SERVICES**

10. Amend section 42.1502 by adding a new sentence to the end of paragraph (a) to read as follows:

### **42.1502 Policy.**

(a) \* \* \* These procedures shall require an assessment of contractor compliance with the goals identified in the small business subcontracting plan when the contract includes the clause at 52.219–9, Small Business Subcontracting Plan.

\* \* \* \* \*

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