19.502-4 Partial set-asides of multiple-award contracts.

(a) In accordance with section 1331 of the Small Business Jobs Act of 2010 (15 U.S.C. 644(r)(1)), *contracting officers may*, at their discretion, set aside a portion or portions of a *multiple-award contract*, except for *construction*, for any of the small business *concerns* identified at 19.000(a)(3) when—

(1) *Market research* indicates that a total set-aside is not appropriate (see 19.502-2);

(2) The requirement can be divided into distinct portions;

(3) The *acquisition* is not subject to *simplified acquisition procedures*;

(4) Two or more responsible small business *concerns* are reasonably expected to submit an *offer* on the set-aside portion or portions of the *acquisition* that are competitive in terms of *fair market prices*, quality, and delivery; and

(5) The specific program eligibility requirements identified in this part apply.

(b) When the *contracting officer* determines that a requirement is to be partially set aside, the *solicitation shall* identify which portion or portions are set aside and not set aside.

(c) The *contracting officer shall* specify in the *solicitation* how *offers shall* be submitted with regard to the set-aside and non-set-aside portions.

(d) *Offers* received from *concerns* that do not qualify as small business *concerns shall* be considered nonresponsive and *shall* be rejected on the set-aside portion of partial set-asides. However, before rejecting an *offer* otherwise eligible for award because of questions concerning the size representation, an SBA determination *must* be obtained (see subpart 19.3).

Parent topic: 19.502 Setting aside acquisitions.