19.504 Orders under multiple-award contracts.

(a) *General.* In accordance with section 1331 of the Small Business Jobs Act of 2010 (15 U.S.C. 644(r)(2)), *contracting officers may*, at their discretion, set aside orders placed under *multiple-award contracts* for any of the small business *concerns* identified in 19.000(a)(3).

(1) The *contracting officer shall* state in the *solicitation* and resulting contract whether order set-asides will be discretionary or mandatory when the conditions in 19.502-2 are met at the time of order set-aside, and the specific program eligibility requirements, as applicable, are also then met.

(2) When setting aside an order at or below the *simplified acquisition threshold*, the *contracting officer may* set aside the order for any of the small business *concerns* identified in 19.000(a)(3).

(3) When setting aside an order above the *simplified acquisition threshold*, the *contracting officer shall* first consider setting aside the order for the small business socioeconomic *contracting* programs (*i.e.*, 8(a), *HUBZone*, service-disabled veteran-owned small business, and women-owned small business) before considering a small business set-aside.

(4) The *contracting officer shall* comply with the specific program eligibility requirements identified in this part in addition to the ordering procedures for a *multiple-award contract* (for orders placed under the Federal Supply Schedules Program, see 8.405-5; for orders placed under all other *multiple-award contracts*, see 16.505).

(b) *Orders under set-aside contracts—*

(1) *Orders under total set-aside contracts.* Under a total small business set-aside, *contracting officers may* at their discretion set aside orders for any of the small business socioeconomic *concerns* identified in 19.000(a)(3) provided that the requirements at paragraph (a) of this section, 19.502-2(b), and the specific program eligibility requirements are met.

(2) *Orders under partial set-aside contracts*.

(i) Only small business *concerns* awarded contracts for the portion(s) that were set aside under the *solicitation* for the *multiple-award contract may* compete for orders issued under those portion(s).

(ii) Small business awardees *may* compete against other than small business awardees for an order issued under the portion of the *multiple-award contract* that was not set aside, if the small business received a contract award for the non-set-aside portion.

(c) *Orders under reserves.*

(1) The *contracting officer may—*

(i) Set aside orders for any of the small business *concerns* identified in 19.000(a)(3) when there are two or more contract awards for that type of small business *concern*; or

(ii) Issue orders directly to one small business *concern* for work that it can perform when there is

only one contract award to any one type of small business *concern* identified in 19.000(a)(3).

(2) Small business awardees *may* compete against other than small business awardees for an order that is not set aside if the small business received a contract award for the *supplies* or services being ordered.

Parent topic: Subpart 19.5 - Small Business Total Set-Asides, Partial Set-Asides, and Reserves