

The answer to question #17 is amended as follows:

17. Question: As a nonmanufacturer do we qualify to provide a proposal/quote for this requirement if our manufacturer/source has previously provided required Interment flags to the VA under previous contracts?

Answer (AMENDED): Nonmanufacturers are not precluded from bidding on this requirement. Nonmanufacturers must comply with the "nonmanufacturer rule" under FAR 19.001 and 19.102.

See: <http://www.sba.gov/content/non-manufacturer-waivers>

See: VAAR 852.219-10.

In summary, in order to successfully respond to this solicitation, the SDVOSB must either manufacture the product or provide the product of a small business manufacturer.

21. Question: Will a company need to be a verified / certified SDVOSB through the VA in order to receive an award?

Answer: All SDVOSBs must register in the VetBiz.gov Vendor Information Pages (VIP) database, available at www.VetBiz.gov, to be eligible for award of a contract. Contracting officer cannot award a contract under the authority of 38 U.S.C. 8127 (Public Law 109-461) unless they have confirmed the small business (in this case the SDVOSB) is registered in the database. The contracting officer has the responsibility to confirm registration is listed in the database. Vendors need not be registered at the time of the submission of offers; however, no award can be made under this authority unless the business is properly registered.

See IL 049-07-08, <http://www.vetbiz.gov/library/ILfinal.pdf>. Please note, IL 049-07-08 supplements the requirements under VAAR 819.7003 Eligibility (b)(3) which state:

- (b) At the time of submission of offer, the offeror must represent to the contracting officer that it is a—
 - (1) SDVOSB concern or VOSB concern;
 - (2) Small business concern under the North American Industry Classification System (NAICS) code assigned to the acquisition; and
 - (3) Verified for eligibility in the VIP database.

Regardless, vendors need not be registered at the time of the submission of offers; however, no award can be made under this authority unless the business is properly registered.

22. Question: In reviewing the RFP I did not see a waiver for this procurement under the Nonmanufacturer Rule. 13 C.F.R. section 121.406. As the contracting officer, you are the only one who can request an individual waiver for a specific solicitation which it appears you have not done.

Answer: In the case of the Interment Flag requirement, there are multiple small business manufacturers or processors available to supply the product to the Federal Government; therefore, no waiver is needed.

Please see discussion at: <http://www.sba.gov/content/non-manufacturer-waivers> and extract from the SBA site below.

Please note, FAR 52.219-14 and 52.219-27 are not applicable. Veterans Affairs utilizes VAAR 852.219-10.

Non-Manufacturer Waiver Information

In order to qualify as a small business on a small business set-aside, Service-Disabled Veteran-Owned set-aside or 8(a) Business Development procurement (sole source or competitive) for the acquisition of supplies, an offeror must either manufacture the item in accordance with the Limitations on Subcontracting (see FAR section 52.219-14, 52.219-27 and 13 C.F.R. section 125.6)) or supply the product of a small business made in the United States. The requirement that a nonmanufacturer supply the product of a small business concern is commonly referred to as the Nonmanufacturer Rule. 13 C.F.R. section 121.406. The Small Business Act also contains provisions that allow the Administrator of the SBA to waive this requirement when there are no small business manufacturers or processors available to supply the product to the Federal Government. The Administrator has delegated the authority to make decisions on waivers of the Nonmanufacturer Rule to the Associate Administrator for Government Contracting in the following cases:

- ***Individual waiver.*** *After reviewing a determination by a contracting officer that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications (including period of performance) required of an offeror or by the solicitation...*