including any Alaska Native Corporation as defined in 13 CFR 124.100 which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians, or which is recognized as such by the State in which such tribe, band, nation, group, or community resides.

Women-owned small business concern means a small business concern which is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

26. Section 19.102 is amended by removing paragraph (f)(3); redesignating paragraphs (f)(4) through (f)(7) as (f)(3) through (f)(6); in the first sentence of redesignated paragraph (f)(4)(i) by removing the word "domestic"; and revising redesignated paragraph (f)(5) to read as follows:

19.102 Size standards.

* * * *

(f) * * *-

- (5) For a specific solicitation set-aside for small business under 19.503–3 or 8(a) under subpart 19.8, a contracting officer may request a waiver of that part of the nonmanufacturer rule which requires that the actual manufacturer or processor be a small business concern if no known domestic small business manufacturers or processors can reasonably be expected to offer a product meeting the requirements of the solicitation.
- 27. Section 19.201 is amended by revising paragraphs (a), (b), (c)(9), and (d) to read as follows:

19.201 General policy.-

(a) It is the policy of the Government to place a fair proportion of its acquisitions, including contracts and subcontracts for subsystems, assemblies, components, and related services for major systems, with small business concerns, small disadvantaged business concerns, and women-owned small business concerns. Such concerns shall also have the maximum practicable opportunity to participate as subcontractors in the contracts awarded by any executive agency, consistent with efficient contract performance. The Small Business Administration (SBA) counsels and assists small business concerns and assists contracting personnel to ensure that a fair proportion of contracts for supplies and services is placed with small business.

(b) Heads of contracting activities are responsible for effectively implementing the small business programs within their activities, including achieving program goals. They are to ensure that contracting and technical personnel maintain knowledge of small, small disadvantaged and women-owned small business program requirements and take all reasonable action to increase participation in their activities' contracting processes by these businesses.

(c) * * *

- (9) Make recommendations in accord with agency regulations as to whether a particular acquisition should be awarded under subpart 19.5 as a setaside, or under subpart 19.8 as a section 8(a) award.
- (d) Small Business Specialists shall be appointed and act in accord with agency regulations.
- 28. Section 19.202 is amended by revising the first sentence to read as follows:

19.202 Specific policies.

In order to further the policy in 19.201(a), contracting officers shall comply with the specific policies listed in this section and shall consider recommendations of the agency Director of Small and Disadvantaged Business Utilization, or the Director's designee, as to whether a particular acquisition should be awarded under subpart 19.5 or 19.8. * *

29. Section 19.202–3 is revised to read as follows:

19.202-3 Labor Surplus Area Priority.

Priority shall be given to awarding of contracts and the placement of subcontracts to small business concerns which will perform substantially in labor surplus areas. In the event of equal low bids (see 14.407–6), awards shall be made first to small business concerns which are also labor surplus area concerns, and second to small business concerns which are not also labor surplus area concerns.

30. Section 19.202–5 is amended by revising paragraphs (a) and (b) to read as follows:

19.202-5 Data collection and reporting requirements.

* * * * *

- (a) Require each prospective contractor to represent whether it is a small business, small disadvantaged business or women-owned small business (see the provision at 52.219–1, Small Business Program Representations).
- (b) Accurately measure the extent of participation by small, small

disadvantaged, and women-owned small businesses in Government acquisitions in terms of the total value of contracts placed during each fiscal year, and report data to the SBA at the end of each fiscal year (see subpart 4.6).—

31. Section 19.202–6 is amended by revising the introductory text and paragraph (a) to read as follows:

19.202–6 Determination of fair market price.

Agencies shall determine the fair market price of small business set-aside, small disadvantaged business set-aside, and 8(a) contracts as follows:—

- (a) For total small business set-asides, total small disadvantaged business set-asides and partial small business set-aside contracts, the fair market price shall be the price achieved in accordance with the reasonable price guidelines in 15.805–2.
- 32. Section 19.301 is amended by revising paragraphs (a), (b), (c), and the first sentence of paragraph (d) to read as follows:

19.301 Representation by the offeror.

- (a) To be eligible for award as a small or a small disadvantaged business, an offeror must represent in good faith as to its status at the time of written self certification. An offeror may represent that it is a small business concern or a small disadvantaged business concern in connection with a specific solicitation if it meets the definitions applicable to the solicitation and has not been determined by the Small Business Administration (SBA) to be other than a small or small disadvantaged business.—
- (b) The contracting officer shall accept an offerors representation in a specific bid or proposal that it is a small or small disadvantaged business unless (1) another offeror or interested party challenges the concern's representation or (2) the contracting officer has a reason to question the representation. Challenges of and questions concerning a specific representation shall be referred to the SBA in accordance with 19.302.
- (c) An offerors representation that it is a small or small disadvantaged business is not binding on the SBA. If an offeror's status is challenged, the SBA will evaluate the status of the concern and make a determination, which will be binding on the contracting officer, as to whether the offeror is a small or small disadvantaged business. A concern cannot become eligible for a specific award by taking action to meet the definition of a small business concern or