

February 4, 2005

AGAR ADVISORY

**UNITED STATES DEPARTMENT OF AGRICULTURE
OFFICE OF PROCUREMENT AND PROPERTY MANAGEMENT
AGAR ADVISORY NO. 74**

AGAR Provision - North American Industry Classification System (NAICS) Code and Small Business Size Standard

INTRODUCTION: The purpose of this Agriculture Acquisition Regulation (AGAR) Advisory is to provide interim guidance for specifying the applicable NAICS Code and Small Business Size Standard in solicitations.

SUMMARY: Federal Acquisition Circular 2001-26 implemented Federal Acquisition Regulation (FAR) Case 2002-024, Electronic Representations and Certifications. A solicitation provision to specify the applicable NAICS and size standard was inadvertently omitted. The interim AGAR provision specified herein shall be used until the FAR is amended.

SPECIFIC ISSUES:

Background

- FAR Subpart 4.12, incorporated into the FAR by FAC 2001-26, establishes policies and procedures for requiring prospective contractors to submit Annual Representations and Certifications via the Online Representations and Certifications Application (ORCA), a part of the Business Process Network (BPN).
- Based on FAR 4.1202, when FAR clause 52.204-7, Central Contractor Registration, is included in a solicitation, then certain specified representations and certifications, including FAR 52.219-1, Small Business Program Representations (Basic & Alternate I) are not to be included in the solicitation.
- For offerors to whom the ORCA registration applies, provisions such as 52.219-1 are not to be included in the solicitation as these representations and certifications should already be available online in ORCA.
- However, FAR 52.219-1, subparagraph (a) that includes the designation of applicable NAICS code and small business size standard, was inadvertently also excluded, and no replacement clause/provision provided.
- This omission does not affect commercial item acquisitions under FAR Part 12 as FAR 52.212-1 notifies offerors that the applicable NAICS code and small business size standard is designated in Block 10 of the solicitation cover sheet (SF 1449).

Action

Pursuant to AGAR 419.508, the contracting officer shall insert the following provision 452.219-70 (January 2005), in solicitations that are set aside for small businesses, but for which FAR 4.1202 has directed that FAR 52.219-1 not be included in the solicitation.

**SIZE STANDARD AND NAICS
CODE INFORMATION (JANUARY 2005)**

The North American Industrial classification System Code(s) and business size standard(s) describing the products and/or services to be acquired under this solicitation are listed below:

| | | |
|------------------------|-------|---|
| Contract line item(s): | _____ | * |
| --NAICS Code | _____ | * |
| --Size Standard | _____ | * |

The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

*Contracting Officer shall fill in the blanks with appropriate information for the contract line items in the solicitation. If needed the lines may be duplicated as required to describe all contract line items or sub-line items.

If you have questions about this advisory, please contact Pat Honda by telephone at (202) 720-8924, by fax at (202) 720-8972, or by email to pat.honda@usda.gov. This advisory is available on the USDA homepage at <http://www.usda.gov/procurement/policy/advisories.html>.

EXPIRATION DATE: Effective until FAR coverage issued.

[END]