

**Forest Service Manual
National Headquarters (WO)
Washington, DC**

Forest Service Manual 1700 – Civil Rights

Chapter 1790 - Socioeconomics Programs

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Duration: This amendment is effective until superseded or removed.

Superseded Directive: FSM 1790, Amendment 1700-90-1

Approved by: Mike Dombeck, Chief

Date approved:

Responsible Staff:

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

POSTING NOTICE. Amendments are numbered consecutively by Title and calendar year. Post by document name. Remove entire document and replace with this amendment. Retain this transmittal as the first page of this document. The last amendment to this Title was Amendment 1700-2000-8 to FSM 1790 Contents.

1790.4: Clarifies responsibilities of the Director, Acquisition Management Staff, Washington Office, and the Regional Foresters, Station Directors, Area Director, and Institute Director.

1791.01: Clarifies and expands descriptions of Executive orders that set out the authorities for equal employment opportunity in Government contracts.

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This chapter establishes the requirement to ensure that the full range of Forest Service procurement procedures are available and fully used to assist minority, women-owned, and other economically and socially disadvantaged small businesses. Such assistance is provided to promote the growth and establishment of minority, women-owned, and other proven socially and economically disadvantaged small business concerns, allowing them to become self-sustaining competitive entities within a reasonable period of time. See FSH 1709.11, chapter 90 for further direction on socioeconomic and 8(a) programs.

1790.1 - Authority

Requirements for socioeconomic programs are set out in FSH 6309.32, Federal Acquisition Regulation (FAR), part 19, subparts 19.2, 19.4, 19.5, 19.7, 19.8, and 19.9, and Agriculture Acquisition Regulation (AGAR), subpart 419.2; and Executive orders 12138 and 11246, as amended (FSM 1791.01).

1790.2 - Objective

To ensure that Forest Service procurement, grant, and loan procedures are used to the fullest extent to assist small business concerns, including those owned by minorities, the socially and economically disadvantaged, women, and persons with disabilities.

1790.3 - Policy

Encourage the active participation of business enterprises of minorities, women, and persons with disabilities in competition for contracts, and enhance business ownerships by minorities, women, and people with disabilities in competition for contracts. Promote the competitive opportunities of socially and economically disadvantaged persons and groups by providing available contracts, and financial, technical, and management assistance as may be authorized.

1790.4 - Responsibility

1790.41 - Director, Acquisition Management Staff, Washington Office

The Director, Acquisition Management Staff, Washington Office has responsibility for the Minority Business Program as mandated by the Small Business Investment Act (P.L. 95-507; 15 U.S.C. 634). This includes the responsibility to establish procurement preference program goals in accordance with Departmental Regulation (DR) 5090-2, for the entire agency. Prior to each fiscal year, the Director, Acquisition Management Staff, Washington Office, negotiates percent goals for each Region, Station, the Area, and the Institute based on the total procurement dollars projected to be received by that Region, Station, the Area, or the Institute; past performance; and the availability of potential contractors in proximity to the unit service area. Accomplishment of these goals is incorporated into the unit line officer's performance rating and is used by the USDA Office of Small and Disadvantaged Utilization (OSDBU) and the Chief to demonstrate the agency's level of commitment to small, minority, disadvantaged, and women-owned businesses. The Director, Acquisition Management Staff, Washington Office, shall

designate Office of Small and Disadvantaged Utilization (OSDBU) Coordinators in each contracting office in accordance with the Department supplement to the Federal Acquisition Regulation (FSH 6309.32 - FAR; AGAR 419.2) to assist in meeting socioeconomic program objectives.

1790.42 - Regional Foresters, Station Directors, Area Director, Institute Director, and Forest Supervisors

Each Regional Forester, Station Director, the Area Director, the Institute Director, and Forest Supervisor (unit line officer) has the responsibility to:

1. Allocate a minimum of 5 percent of their total procurement dollars be set aside for the 8(a) program each fiscal year, and
2. Ensure that the small business, minority, women-owned, and persons with disabilities business community is informed through media sources, if necessary, of the availability of contracts through the Forest Service competitive bidding process.

1790.43 - Forest Supervisors

In addition, Forest Supervisors are responsible for:

1. Preparing Advance Acquisition Plans each fiscal year to identify contracts intended for the 8(a) set-aside program, and minority and women-owned business goals;
2. Submitting the plans to the next higher organizational level as early as possible, but not later than two months prior to the new fiscal year (October 1).
3. Ensuring that Forest Service contract estimates allow all reasonable costs to be negotiated with 8(a) companies. During the negotiation process, if there is a significant difference between the Forest Service estimate and the contractor's offer, the Contracting Officer may request that the Forest Supervisor review the estimate and the work required and revise the estimate, if appropriate. If funds needed exceed the amount on the Request for Contract Action, the Forest Supervisor may certify that the funds are available and recommend award or cancellation action.

1790.5 - Definitions

(FSH 1709.11, sec. 90.5).

1791 - Equal Opportunity for Employment in Government Contracts

1791.01 - Authority

Executive orders 11246, and 11375 and the Department of Labor regulations at 41 CFR part 60 set out the requirements for equal employment opportunity in Government contracts.

1. Executive Order 11246, Equal Employment Opportunity, September 24, 1965. This Executive order contains requirements for the following:

- a. Part I, Nondiscrimination in Government Employment.
- b. Part II, Nondiscrimination in Employment by Government Contractors and Subcontractors.
- c. Part III, Nondiscrimination Provisions in Federally Assisted Construction Contracts.

2. Executive Order 11375, Equal Employment Opportunity, October 13, 1967. This Executive order added "sex" as a category of prohibited discrimination and changed the word "creed" to religion. This Executive order applies to both Federal employment and Federal contracting.

1792 - Advance Acquisition Plans

Prepare Advance Acquisition Plans in accordance with the Forest Service Acquisition Regulation (FSH 6309.32 - FAR; FSAR 4G07.1).