

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

**Forest Service Handbook 1709.11 – Civil Rights Handbook**

**Chapter 90 - Socioeconomic Programs**

**Amendment:** 1709.11-2000-5

**Effective date:** March 06, 2000

**Duration:** This amendment is effective until superseded or removed.

**Superseded Directive:**

**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 Instructions:** Amendments are numbered consecutively by Handbook number and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this Handbook was 1709.11-2000-4 to 1709.11,90 Contents.

**1709.11,90:** Adds a new chapter for direction on socioeconomic programs.

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Direction on socioeconomic programs in this chapter is designed to assist managers and specialists with procedural requirements and general guidelines for implementing the policies in FSM 1790. The intended users of this chapter are Forest Service line and staff officers, Civil Rights Directors, Minority/Women-owned Business Coordinators, and other Forest Service employees with related program responsibilities.

### **90.1 - Authority**

(See FSM 1790.1).

### **90.2 - Objective**

(See FSM 1790.2).

### **90.3 - Policy**

(See FSM 1790.3).

### **90.4 - Responsibility**

Further direction is set out at FSM 1790.4 - 1790.43 on the responsibilities of the Director of Acquisition Management, Washington Office, and for field unit line officers.

#### **90.41 - Office of Small and Disadvantaged Business Utilization (OSDBU) Coordinator**

Each Forest Service unit that has contracting activity shall designate an OSDBU Coordinator in accordance with Department and Forest Service supplements to the Federal Acquisition Regulation (FSH 6309.32 - FAR; AGAR part 419 and FSAR 4G19). The OSDBU Coordinator has the responsibility to review each Region, Station, Area, Institute, or Forest Advance Acquisition Plan and to:

1. Identify total procurement dollars of contracts over the simplified acquisition threshold and determine if the set-aside complies with the legal minimum percentage of all procurement dollars determined by the unit line officer.
2. If the unit did not set aside the minimum percentage, to assist the unit line officer in selecting additional contracts to meet the goals, and to meet with the Small Business Administration (SBA) Business Development Specialist for determining the availability of 8(a) certified contractors for contracts set aside by the Region, Station, Area, Institute, or Forest.
3. Inform each unit line officer and responsible official of the 8(a) certified contractors selected by the Small Business Administration and matched with each contract.
4. Continuously monitor the progress of contract awards and coordinate any needed changes or substitutions of contracts and/or contractors.

5. Submit a quarterly progress report and the final accomplishment report to the unit line manager, Director of Civil Rights, Director for Acquisition Management, Contracting Officers, and the Small Business Administration. Submit a copy of the annual report to the Director, Acquisition Management Staff, Washington Office.

6. Identify and recommend potential 8(a) contractors to the Small Business Administration for certification, and maintain a regional listing of 8(a) certified contractors to assist unit line officers in their selection of the types of contracts to set aside for the 8(a) program.

#### **90.42 - Contracting Officer**

The Contracting Officer serves as the Region, Station, Area, Institute, or Forest representative, team leader, and contract coordinator with full authority in the negotiation process with assigned 8(a) contractor(s). Additionally, the Contracting Officer has final authority to make contractual decisions binding to the Forest Service, except in the area of funding availability in excess of the amount stated in the Request for Contract Action (Form FS-6300-4) (FSM 6320; FSH 6309.11).

The Contracting Officer has the responsibility to:

1. Determine if the proposed contractor's price and the Forest Service estimate are reasonable.
2. Evaluate the proposed contractor's line items, such as labor, equipment, and hours.
3. Evaluate the Forest Service estimate, and if the estimate is not reasonable, consult with the designated unit representative on the difference and the adjustment of the estimate.
4. Ensure that required statutes are met, award the contract, administer the contract, settle disputes, and close out the contract.

#### **90.43 - Contracting Officer's Representative**

The Contracting Officer's Representative (COR) is a technical (on-the-ground) specialist within the purview of the contract who is responsible for administration of the work under the assigned contract. In no event, however, may any understanding, agreement, modification, change order, or other matter deviating from the terms of the contract be effective or binding upon the Government unless formalized by the proper contractual documents executed by the Contracting Officer.

#### **90.5 - Definitions**

Certificate of Competency. A written instrument issued by the SBA to a Government Contracting Officer certifying that the small business firm named therein possesses the

responsibility, capability, and/or eligibility to perform a specific Government procurement (or sale) contract.

Contract Support. The process in which the Small Business Administration (SBA), in response to a potential 8(a) firm's request for certification, requests that Federal agencies inform the SBA of the availability of contracts in the potential 8(a) firm's area of expertise; if contract support is available and the firm meets all other requirements, the SBA certifies the firm.

Economically Disadvantaged. Those socially disadvantaged individuals whose ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same business area who are not socially disadvantaged.

8(a) Small Business Concern. A business that is at least 51 percent owned and operated by one or more socially and economically disadvantaged individuals or, in the case of a publicly owned business, at least 51 percent of the stock of which is owned by one or more socially and economically disadvantaged; and whose management and daily business operations are controlled by one or more of such individuals.

Fixed Program Participation Term. The ultimate time period during which a firm participating in the 8(a) program may remain in the 8(a) program, not to exceed nine years: Four years in the development stage and five years in the transitional stage.

Socially Disadvantaged. Those individuals who have been subjected to prejudice or cultural bias because of their identity as a member of a group, such as racial, ethnic, or persons with disabilities, without regard for their personal qualities.

Women-Owned Business. A business that is at least 51 percent owned by a woman or women who also control and operate it. "Control" in this context means exercising the power to make policy decisions. "Operate" in this context means being actively involved in the day-to-day management of the business. Additionally, a women-owned business that qualifies may also be certified as an 8(a) contractor by the Small Business Administration.

## **90.6 - Role of Small Business Administration**

The Small Business Administration (SBA) is authorized by section 8(a) of the Small Business Investment Act (15 U.S.C. 634(a); Pub. L. 95-507) to select and channel contracts to minority or women-owned and operated business firms. The SBA accomplishes this task by certifying contractors who are available to contract with Federal agencies for supplies, services, and construction.

The SBA provides technical and managerial assistance that, along with noncompetitive contracting, ensures the opportunity for eligible minority- or women-owned firms to develop the skills necessary to compete successfully in the public and private sectors.