

Veterans Benefits Act of 2003

On December 16, 2003, President George W. Bush signed into law H.R. 2297 enacting *Public Law 108-183, Veterans Benefits Act of 2003. Section 36- Procurement Program for Small Business Concerns Owned and controlled by Service-Disabled Veterans*, of *Public Law 108-183* outlines amendments to the United States Code regarding procurement opportunities awarded to service-disabled veteran small business owners.

A summary of *Section 36-Procurement Program for Small Business Concerns Owned and Controlled by Service-Disabled Veterans* follows:

Contracting officers may award a sole source contract to any small business concern owned and controlled by service-disabled veterans if the following circumstances are met:

1. the small business owner is a responsible contractor based on his or her performance relative to the contract being awarded and the contracting officer does not expect that two or more service-disabled veterans small business owners will submit offers for the contract;
2. the expected award price of the contract (including options) will not exceed:
 - a. \$5 million for a contract assigned a standard industrial classification code for manufacturing
 - b. \$3 million for any other contract, and
 - c. based on the contracting officer's judgment, the contract can be made at a fair and reasonable price.

Under the guidelines for *Restricted Competition*, the contracting officer may award contracts on the basis of competition restricted to service-disabled veteran small business owners if he or she (i.e., the contracting officer) has reasonably determined:

1. that no less than two small business concerns owned and controlled by service-disabled veterans will submit bids and
2. that the award can be made at a fair and reasonable price.

In reference to the *Relationship to Other Contracting Preferences*, the rule states that a procurement **may not be made from a source on the basis of a preference** provided under section (a) or (b) if the procurement would be otherwise made from a different source under section 4121 or 4125 of title 18, *United States Code* or the *Javits Wagner-O'Day Act* (41 U.S.C. 46 et seq).