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**DEPARTMENT OF DEFENSE**

**GENERAL SERVICES  
ADMINISTRATION**

**NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

**48 CFR Chapter 1**

**Federal Acquisition Regulation; Small  
Entity Compliance Guide**

**AGENCIES:** Department of Defense (DoD),  
General Services Administration (GSA),  
and National Aeronautics and Space  
Administration (NASA).

**ACTION:** Small Entity Compliance Guide.

**SUMMARY:** This document is issued  
under the joint authority of the  
Secretary of Defense, the Administrator  
of General Services and the  
Administrator for the National  
Aeronautics and Space Administration.  
This *Small Entity Compliance Guide* has  
been prepared in accordance with  
Section 212 of the Small Business  
Regulatory Enforcement Fairness Act of

1996. It consists of a summary of the  
rule appearing in Federal Acquisition  
Circular (FAC) 2005-02 which amends  
the FAR. An asterisk (\*) next to a rule  
indicates that a regulatory flexibility  
analysis has been prepared. Interested  
parties may obtain further information  
regarding this rule by referring to FAC  
2005-02, which precedes this  
document. These documents are also  
available via the Internet at [http://  
www.acqnet.gov/far](http://www.acqnet.gov/far).

**FOR FURTHER INFORMATION CONTACT:**  
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501-4755. For clarification of content,  
contact Rhonda Cundiff at (202) 501-  
0044.

**\* Procurement Program for Service-  
Disabled Veteran-Owned Small  
Business Concerns (FAR Case 2004-  
002)**

This final rule provides for set-aside  
and sole source procurement authority  
for service-disabled veteran-owned  
small business (SDVOSB) concerns. It  
amends the Federal Acquisition  
Regulation (FAR) interim rule that was  
published in the *Federal Register* at 69  
FR 25274, May 5, 2004, to implement  
Section 308 of the Veterans Benefits Act

of 2003, Procurement Program for Small  
Business Concerns Owned and  
Controlled by Service-Disabled Veterans  
(Pub. L. 108-183). The interim rule  
provided that contracting officers may:  
(1) award contracts on the basis of  
competition restricted to service-  
disabled veteran-owned small  
businesses (SDVOSB) if there is a  
reasonable expectation that two or more  
SDVOSB concerns will submit offers  
and that the award can be made at a fair  
market price, or (2) award a sole source  
contract to a responsible SDVOSB  
concern when there is not a reasonable  
expectation that two or more SDVOSB  
concerns would offer, the anticipated  
contract price (including options) will  
not exceed \$5 million (for  
manufacturing) or \$3 million otherwise,  
and the contract award can be made at  
a fair and reasonable price. This final  
rule is published in conjunction with  
two rules published by the Small  
Business Administration (SBA).

Dated: March 16, 2005.

**Rodney P. Lantier,**

*Director, Contract Policy Division.*

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