

15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development Program provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule.

The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202 (c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on a six digit coding system. The coding system is the Office of Management and Budget North American Industry Classification System (NAICS).

The SBA received a request on October 3, 2005 to waive the Nonmanufacturer Rule for Forklifts Manufacturing. In response, on November 3, 2005, SBA published in the **Federal Register** a notice of intent to waive the Nonmanufacturer Rule for Forklifts Manufacturing. SBA explained in the notice that it was soliciting comments and sources of small business manufacturers of this class of products. In response to that November 3, 2005 notice, SBA received a comment from a small business manufacturer indicating that it has furnished this product to the Federal government. Accordingly, based on the available information, SBA has determined that there is a small business manufacturer of this class of products, and, is therefore denying the class waiver of the Nonmanufacturer Rule for Forklifts Manufacturing, NAICS 333924.

Dated: February 14, 2006.

Karen C. Hontz,

Associate Administrator for Government Contracting.

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SMALL BUSINESS ADMINISTRATION

Small Business Size Standards: Waiver of the Nonmanufacturer Rule

AGENCY: U.S. Small Business Administration.

ACTION: Notice of intent to waive the Nonmanufacturer Rule for Furniture.

SUMMARY: The U.S. Small Business Administration (SBA) is considering granting a request for a waiver of the Nonmanufacturer Rule for Furniture (except drafting tables, hospital beds, medical furniture) Merchant Wholesalers; Office Furniture Merchant Wholesalers; Furniture (except wood), Office-Type, Padded, Upholstered, or Plain, Manufacturing; Furniture Design Services; Furniture Frames and Parts, Metal, Manufacturing; Furniture Frames, Wood, Manufacturing; Furniture Parts, Finished Metal, Manufacturing; Furniture Parts, Finished Plastics, Manufacturing; Furniture Parts, Finished Wood, Manufacturing; Furniture, Factory-type (e.g., cabinets, stools, tool stands, work benches), Manufacturing; Furniture, Hospital (e.g., hospital beds, operating room furniture), Manufacturing; and Furniture, Laboratory-type (e.g., benches, cabinets, stools, tables), Manufacturing. According to the request, no small business manufacturers are supplying this class of product to the Federal government. If granted, the waiver would allow otherwise qualified regular dealers to supply the products of any domestic manufacturer on a Federal contract set aside for small businesses; service-disabled veteran-owned small business or SBA's 8(a) Business Development Program.

DATES: Comments and source information must be submitted by March 13, 2006.

ADDRESSES: You may submit comments and source information to Edith Butler, Program Analyst, U.S. Small Business Administration, Office of Government Contracting, 409 3rd Street, SW., Suite 8800, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Edith Butler, Program Analyst, by telephone at (202) 619-0422; by FAX at (202) 481-1788; or by e-mail at edith.butler@sba.gov.

SUPPLEMENTARY INFORMATION: Section 8(a)(17) of the Small Business Act (Act), 15 U.S.C. 637(a)(17), requires that recipients of Federal contracts set aside for small businesses, service-disabled veteran-owned small businesses, or SBA's 8(a) Business Development Program provide the product of a small

business manufacturer or processor, if the recipient is other than the actual manufacturer or processor of the product. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section 8(a)(17)(b)(iv) of the Act authorizes SBA to waive the Nonmanufacturer Rule for any "class of products" for which there are no small business manufacturers or processors available to participate in the Federal market.

As implemented in SBA's regulations at 13 CFR 121.1202(c), in order to be considered available to participate in the Federal market for a class of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal government within the last 24 months. The SBA defines "class of products" based on a six digit coding systems.

The coding system is the Office of Management and Budget North American Industry Classification System (NAICS).

The SBA is currently processing a request to waive the Nonmanufacturer Rule for Furniture (except drafting tables, hospital beds, medical furniture) merchant wholesalers; Office Furniture Merchant Wholesalers; Furniture (except wood), Office-Type, Padded, Upholstered, or Plain, Manufacturing; Furniture Design Services; Furniture Frames and Parts, Metal, Manufacturing; Furniture Frames, Wood, Manufacturing; Furniture Parts, Finished Metal, Manufacturing; Furniture Parts, Finished Plastics, Manufacturing; Furniture Parts, Finished Wood, Manufacturing; Furniture, Factory-type (e.g., cabinets, stools, tool stands, work benches), Manufacturing; Furniture, Hospital (e.g., hospital beds, operating room furniture), Manufacturing; and Furniture, Laboratory-type (e.g., benches, cabinets, stools, tables), Manufacturing, North American Industry Classification System (NAICS) 423210. The public is invited to comment or provide source information to SBA on the proposed waiver of the Nonmanufacturer Rule for this class of NAICS code within 15 days after date of publication in the **Federal Register**.

Dated: February 14, 2006.

Karen C. Hontz,

Associate Administrator for Government Contracting.

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