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Comment on FR Doc # 2024-18110

Posted by the **Defense Acquisition Regulations System** on Sep 23, 2024

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Comment

A. The analysis of public comment regarding effect on small business entities is incongruous with the provided analysis. The response states "...only expected to apply to 1,104 small entities in year one" but estimates "By year four, the total estimated number of small entities to which the rule will apply will be 60,783". Cost impact to SB should not be based on number of awards (1104 or 60783), and instead would have to contemplate ALL SB offerors whether they win or not. If the analysis presumes only winners, we would be ignoring the cost to the industrial base to certify in ANTICIPATION of award, or the corollary that SB would no longer work with the DOD to avoid the costs of certification/self certification, thus reducing competition (and possibly SB set asides based on "more than one" SB).

B. while the cost impact is greatest to small businesses, this also ignores subcontracts to SB and the DMSMS related to those contracts. It further ignores Prime large business contractors ability to meet SB subcontracting goals resulting from CMMC qualification issues.

C. This COULD (though not advocated) PARTIALLY be solved by requiring certification post award for SB set asides, thus allowing offerors to include the costs of certification/self certification in the instant proposal. Perhaps as a separate CLIN for cost analysis purposes for DOD.

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