



**Federal Aviation
Administration**

Memorandum

Date of Issuance: June 5, 2023
To: AAQ, AAP, APM, and AFN
From: Nathan Tash, Deputy Assistant Administrator for Acquisition and Business Services, FAA Acquisition Executive (ACQ-1)
Subject: **INTERIM CHANGES TO AMS – Raise Thresholds for Noncompetitive Small Business Awards in AMS Policy for Bipartisan Infrastructure Law (BIL) Funded Acquisitions**

1. **PURPOSE.** This Memorandum (Memo) implements interim changes in the Federal Aviation Administration (FAA) Acquisition Management System (AMS) to support the FAA in meeting its small business prime contract goals for Bipartisan Infrastructure Law (BIL) funded acquisitions.
2. **APPLICABILITY.** These interim changes to AMS affect contract awards and solicitations for acquisitions that include ***BIL funds*** for construction, supplies or services. This Memo does not apply to grants or loans.
3. **BACKGROUND.** On November 15, 2021, the BIL, also known as the Infrastructure Investment and Jobs Act (Public Law No. 117-58), was passed authorizing surface transportation programs for five years, through Fiscal Year 2026. It provides for a one-time transfer of funds from the General Fund into the Highway Trust Fund; authorizes programs for water, energy, and broadband infrastructure; and provides emergency supplemental appropriations. It is intended to make improvements to our nation's infrastructure including ports, airports, rail, and roads.
4. **AMS INTERIM CHANGES AND EFFECTIVE DATE.** In accordance with the authority vested in the Administrator in Section 348 of P.L. 104-50, and as delegated to the Federal Aviation Acquisition Executive in AMS Policy 1.1.4, I hereby authorize the following dollar threshold changes in AMS Policy for any ***BIL funded projects*** to include projects that contain both BIL and non-BIL funded requirements that utilize noncompetitive small business procedures. The interim threshold change supersedes the memo dated March 23, 2022, ***Raise Thresholds for Noncompetitive Small Business Awards in AMS Policy for BIL Funded Acquisitions***” and will be effective

immediately and will continue through Fiscal Year 2026. The AMS Policy changes are as follow:

- **AMS Policy 3.6.1.3.5 Noncompetitive Awards to SEDB (8(a)) Vendors**

Individual procurements may be noncompetitively awarded to SEDB (8(a)) certified vendors when the anticipated total value of the procurement (including all options) is less than or equal to \$20 million under any North American Industry Classification System codes.

- **AMS Policy 3.6.1.3.7 Set-Asides to Historically Underutilized Business Zone (HUBZone) Small Businesses**

Individual procurements may be noncompetitively awarded to certified HUBZone small businesses when the anticipated total value of the procurement (including all options) is less than or equal to \$20 million under any North American Industry Classification System codes.

- **AMS Policy 3.6.1.3.8 Set-Asides to Women Owned Small Businesses**

Individual procurements may be noncompetitively awarded to certified Women-Owned Small Business (WOSB) eligible under the WOSB Program when the anticipated total value of the procurement (including all options) is less than or equal to \$20 million under any North American Industry Classification System codes.

- **AMS Policy 3.6.1.3.9 Set-Asides to Economically Disadvantaged Women-Owned Small Businesses**

Individual procurements may be noncompetitively awarded to certified Economically Disadvantaged Women-Owned Small Business (EDWOSB) eligible under the WOSB Program when the anticipated total value of the procurement (including all options) is less than or equal to \$20 million under any North American Industry Classification System codes.

- **AMS Policy 3.6.1.3.10 Set-Asides to Small Disadvantaged Businesses**

Individual procurements may be noncompetitively awarded to small disadvantaged businesses (SDB) when the anticipated total value of the procurement (including all options) is less than or equal to \$20 million under any North American Industry Classification System codes.

5. **RESPONSIBILITIES.** In conducting acquisitions to support BIL funded requirements, all Contracting Officers are expected to use sound fiscal prudence to maximize value for each taxpayer dollar spent. The availability of the increased thresholds does not mean they must be used. Contracting Officers should feel empowered to use the acquisition

flexibilities, as needed, consistent with good business judgment.

- 6. CONTACT FOR QUESTIONS.** Contracting Officers (COs), may forward questions to their management, who will respond or consult with AAQ/AAP management, as needed.

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