DEPARTMENT OF THE ARMY
OFFICE OF THE SECRETARY OF THE ARMY
OFFICE OF SMALL BUSINESS PROGRAMS
106 ARMY PENTAGON
WASHINGTON DC 20310-0106

DEC - 3 2015

SASB

MEMORANDUM FOR OSBP

SUBJECT: Policy Letter 16 – 04; Enforcement of the Small Business Regulatory Enforcement Fairness Act

1. Reference:

a. Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996

b. The Regulatory Flexibility Act (RFA) of 1980

2. Purpose: The purpose of this policy letter is to provide instructions and guidance on the implementation of the Small Business Regulatory Enforcement Fairness Act (SBREFA).

3. Procedures: The Army Office of Small Business Programs (OSBP) does not condone retaliatory actions against firms based upon their expressing concerns or complaints involving regulatory enforcement or compliance matters. The Office has the statutory responsibility to follow U.S. law and to implement regulations in a manner that ensures fair and equitable treatment for all, including due process. In addition, our employees are called upon to be equitable to all; to address the public responsively and politely; to be objective, to base decisions on facts and solid judgment; and to avoid even the "appearance of impropriety."

4. Responsibilities:

a. Director, OSBP is overall responsible for ensuring the timely response to inquiries from the Small Business Administration (SBA), Office of the National Ombudsman (ONO).

b. Deputy Director, OSBP shall:

(1) Receive, review and task OSBP Program Managers to prepare response(s) for the Director's signature to SBA, ONO inquiry.

(2) Ensure the Small Business Community is aware of the OSBP SBREFA policy by posting to the OSBP website.

(3) Include the following information for firms to contact if they feel they have been unfairly treated. National Ombudsman and Assistant Administrator for

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Regulatory Enforcement Fairness, Office of the National Ombudsman, U.S. Small Business Administration, 409 3rd Street, S.W., Washington, DC 20416, telephone: (886) 734-3247; http://www.sba.gov/ombudsman.

c. Program Managers, OSBP shall:

(1) Coordinate with the Buying Commands' Associate Director for Small Business to research and draft a Command response to the SBA, ONO inquiry.

(2) Establish a suspense date for the Command's response. The suspense date shall not be more than 25 days from the receipt of the inquiry.

(3) Prepare an interim response for the Director's signature if the Command's will extend beyond the SBA generated suspense (e.g. 30 days).

5. The point of contact for this action is James Lloyd, at (703) 693-6118 or email at james.lloyd@us.army.mil.

TOMMY L. MARKS
SES, USA
Director, Small Business Programs