

# 8(a) Program: Innovative Strategies



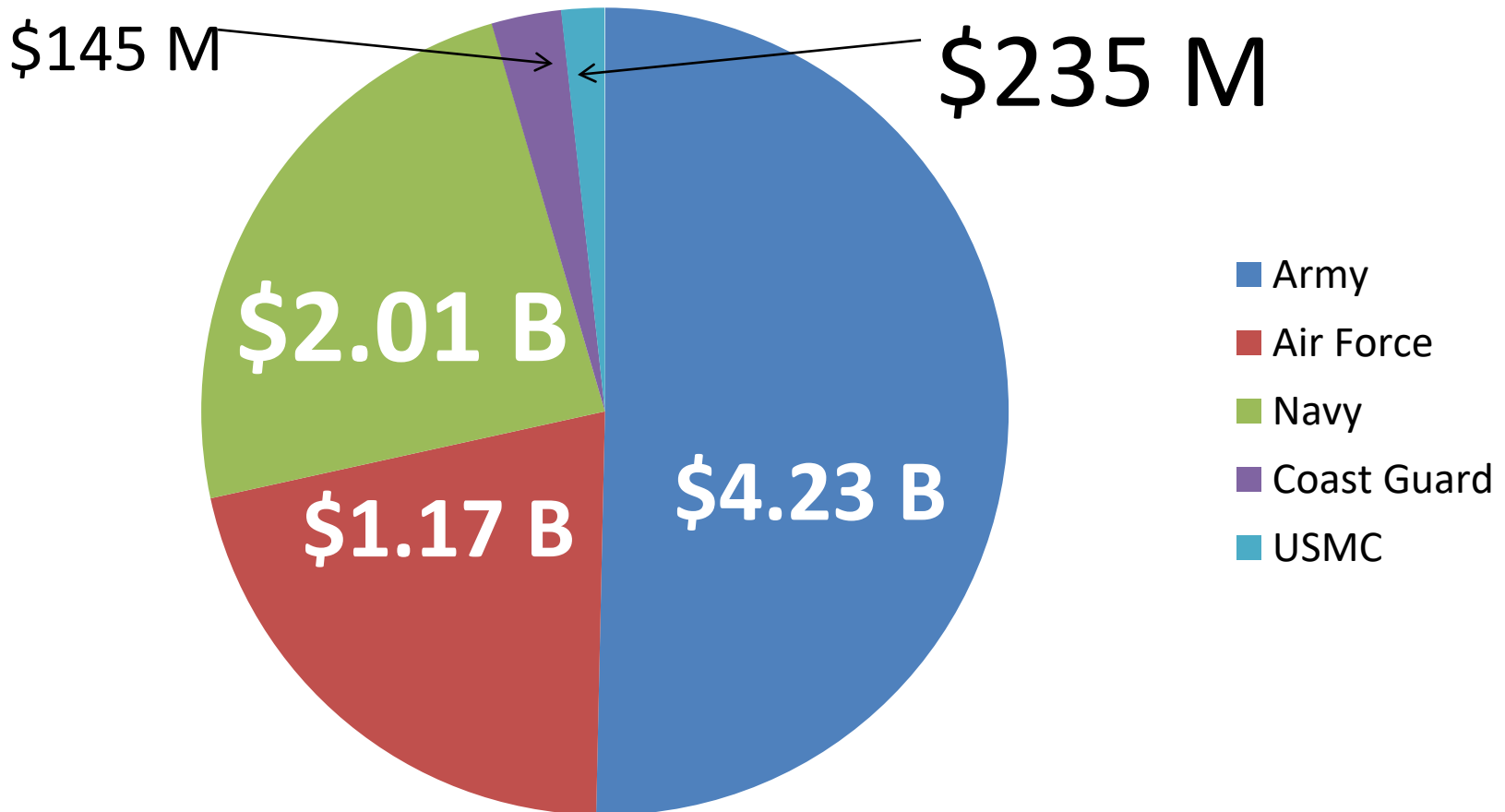
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# DOD 8(a) Dollars -FY 17

(NON-OFFICIAL – Federal Procurement Data System (FPDS) 4/18/18)

Total \$8.4 B



## 8a Checklist- Contracting with the Small Business Administration-The 8(a) Program FAR 19.8

Acquisition Strategy	Acquisitions valued <u>less than</u> Simplified Acquisition Threshold (SAT) (\$150k)	Acquisitions valued <u>greater than</u> Simplified Acquisition Threshold (SAT) (\$150k)
Is a Direct Award (sole source) authorized?	Yes.	<p style="text-align: center;">Yes.</p> <ul style="list-style-type: none"> <li>Up to \$7M for manufacturing NAICS codes, and up to \$4M for all other NAICS. FAR 19.805-1(a)(2).</li> <li>For acquisitions that exceed the SBA's \$4M competitive threshold the SBA <u>may</u> accept the requirement for a sole source 8(a) award if the concern is owned by an Indian tribe or an Alaskan Native Corporation (ANC). FAR 19.805-1(b)(2), or</li> <li>On behalf of a Native Hawaiian Owned (NHO) organization. DFARS 219.805-1(b)(2)(A)</li> <li>KO shall not award sole-source under 8(a) Authority for amount exceeding \$22M unless requirements of FAR 6.303-1 are met.</li> </ul>
Can the acquisition be awarded on the basis of competition?	<p style="text-align: center;">No.</p> <p>Not authorized for acquisitions less than \$7M for manufacturing NAICS codes and \$4.0M for all other NAICS codes. FAR 19.805-1(a)(2)</p>	<ul style="list-style-type: none"> <li>Yes, if award is expected to exceed the competitive thresholds: \$6.5M for manufacturing NAICS codes and \$4.0M for all other NAICS. FAR 19.805-1(a)(2)</li> <li>Competitive acquisitions below the competitive thresholds may be allowed under certain situations. FAR 19.805-1(d)</li> </ul>
Is an Eligibility Request required?	<p style="text-align: center;">Yes</p> <p>An Eligibility request is required. FAR 19.805-2(b); SBA-DoD Partnership Agreement (PA) III.B.10/15 and IV.B.15.</p>	<p style="text-align: center;">Yes.</p> <p>FAR 19.805-2(b) SBA-DoD Partnership Agreement (PA) section III.B.10/15 and IV.B.15.</p>
Is an Offer Letter required?	<p>No; optional. SBA-DoD PA IV.4.(c)(i)</p>	<p>Yes. Offer letter may be on behalf of a specific 8(a) firm or to offer the acquisition under the 8(a) Program for a competitive procurement. SBA-DoD PA III.B.12/13/14</p>
Timeframe for SBA eligibility determination?	<p style="text-align: center;">Within 2 business days. Ref SBA-DOD PA IV.4.(c)(ii)</p>	<p style="text-align: center;">Within five business days. SBA-DOD PA IV.4.(a)(ii) and IV.4.(b)(ii)</p>
Assume acceptance if no formal SBA acceptance is received within the designated timeframe?	<p>Yes; absent a SBA rejection notice within two business days, may assume the 8(a) firm is eligible and proceed to award. SBA-DOD PA IV.4.(c)(iii)</p>	<p>Yes; absent a SBA rejection notice, acceptance may be assumed on the sixth business day. SBA-DOD PA IV.4.(a)(ii) and IV.4.(b)(ii)</p>
Contract clauses.	<p>See FAR 19.811-3 and DFARS 219.811-3</p>	<p>See FAR 19.811-3 and DFARS 219.811-3</p>
Email SBA a copy of the contract, all modifications, option exercises, delivery, task and/or purchase orders within 15 days of date of award.	<p style="text-align: center;">Yes. SBA-DOD PA IV.B.6.</p>	<p style="text-align: center;">Yes. SBA-DOD PA IV.B.6</p>

# Requirements

Acquisitions valued at or below Simplified Acquisition Threshold (SAT)	Sole Source Procurements	Competitive Acquisitions
\$3.5K-\$150K \$10K- \$250K (GSA's Class Deviation 2018-01)	\$4 M/\$7M (MFG)	>\$4.0M/\$7M (MFG)
No offering and acceptance Required	Offering and acceptance is <b>required.</b> Allow 5 working days at District office level. On 6 <sup>th</sup> day acceptance may be assumed with the <b>exception</b> for provision of FAR 19.808-1 for 8(a) sole-source procurements that exceed \$22 million.*	Offering and acceptance is <b>required.</b> Allow 5 working days at District office level. If necessary 5 working days at AA/BD Level; on 11 <sup>th</sup> day acceptance may be assumed.
Must obtain an eligibility determination.	Offer and acceptance serves as an eligibility determination.	Must obtain an eligibility determination prior to award.

**\*The SBA may not accept for negotiation of a Sole Source 8(a) contract that exceeds \$ 22 million unless the requesting agency has completed a justification accordance with the requirements of 6.303.**

# SAMPLE OFFERING LETTER

\_\_\_\_\_ District Office  
U.S. Small Business Administration  
Attn: Business Opportunity Specialist (Name)  
Address for District Office  
Address

Dear BOS:

Pursuant to the Federal Acquisition Regulation (FAR) 19.804-2, the **Agency Name** hereby offers to issue a firm, \_\_\_\_\_ contract to **sole source** (8(a) firm name and address)/ if **competitive there are two steps – 1<sup>st</sup> asking for authority to use the program; 2<sup>nd</sup> asking for the eligibility determination for the apparent awardee.** This contract will be for the **required need.**

The following information is applicable to the proposed acquisition.

- a. Work to be performed:
- b. Estimated Performance Period: Base Including Options
- c. NAICS Codes:
- d. Estimated Dollar Value: Base Including Options
- e. Place of Performance: **Any special restrictions or geographical limitations on the requirement (for construction, include the location of the work to be performed).**
- f. Special Capabilities Needed: (If applicable)
- g. Contract Type:
- h. Acquisition History: **The acquisition history, if any, of the requirement, including the contract number, names and addresses of any small business contractors that have performed this requirement during the previous 24 months.**

## SAMPLE OFFERING LETTER (cont'd)

- i. **Communication Statement: A statement that prior to the offering no solicitation for the specific acquisition has been issued as a small business, HUBZone, service-disabled veteran-owned small business set-aside, or a set-aside under the Women-Owned Small Business (WOSB) Program, and that no other public communication (such as a notice through the Governmentwide point of entry (GPE)) has been made showing the contracting agency's clear intention to set-aside the acquisition for small business, HUBZone small business, service-disabled veteran-owned small business concerns, or a set-aside under the WOSB Program. Additionally, a declaration of any current or former entity-owned relationship(s) if applicable.**
- j. **Identification of an 8(a) Concern Designated for Consideration: If applicable notate if the firm is NHO, Tribal, ANC, or CDC affiliated**
- k. **Bonding Requirements: (If applicable)**
- l. **Identification of SBA field Offices that have showed an interest in this acquisition:**
- m. **Recommendation:**
- n. **A request, if appropriate, that a requirement with an estimated contract value under the applicable competitive threshold be awarded as an 8(a) competitive contract (see 19.805-1(d)).**
- o. **A request, if appropriate, that a requirement with a contract value over the applicable competitive threshold be awarded as a sole source contract (see 19.805-1(b))**
- p. **Any other pertinent and reasonably available data.**
- q. **An agency offering a construction requirement for which no specific offeror is nominated should submit it to the SBA District Office for the geographical area where the work is to be performed.**
- r. **An agency offering a construction requirement on behalf of a specific offeror should submit it to the SBA District Office servicing that concern.**
- s. **Sole source requirements, other than construction, should be forwarded directly to the district office that services the nominated firm. If the contracting officer is not nominating a specific firm, the offering letter should be forwarded to the district office servicing the geographical area in which the contracting office is located.**

## SAMPLE OFFERING LETTER (cont'd)

- t. All requirements for 8(a) competition, other than construction, should be forwarded to the district office servicing the geographical area in which the contracting office is located. All requirements for 8(a) construction competition should be forwarded to the district office servicing the geographical area in which all or the major portion of the construction is to be performed. All requirements, including construction, must be synopsisized through the GPE. For construction, the synopsis must include the geographical area of the competition set forth in the SBA's acceptance letter.
- u. Other: For procurements over \$22 million the contracting office shall not award a sole-source contract under the 8(a) authority (14.U.S.C. 637(a) unless –
  1. The contracting office justifies the use of a sole-source contract in writing in accordance with 6.303-2;
  2. The justification is approved by the appropriate official designated at 6.304; and
  3. The justification and related information are made public after award in accordance with 6.305.

**Contracting officer must certify in this offering letter that the required J&A has been completed.**

**Agency name** intends to award this contract in accordance with the Memorandum of Understanding (MOU) dated 10/2012 as amended, between the Small Business Administration (SBA) and your agency name.

**Agency name** hereby requests that SBA determine whether to accept the requirement for the 8(a) program and transmit its decision in writing as soon as possible but not later than 5 working days of receipt of this offer. Request the acceptance letter to be sent to POC. If you have any questions or need additional information, please call POC.

Sincerely,

# SBA's 8(a) Point of Contact

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# Questions

- Thank you