



SBTW★23

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Driving Small Business Performance

JUNE 20-23, 2023 | BALTIMORE MD



U.S. Small Business
Administration

Partnering with the SBA: The 8(a) Business Development Program

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SBA's 8(a) Business Development Program

What We'll Cover

- Small Business Contracting Goals
- 8(a) Program Overview, Goals & Objectives
- 8(a) Partnership Agreement
 - Agency Roles and Responsibilities
 - Offer Letters
 - Special Circumstances that Require Additional Review
 - Release Requests
 - New Requirement Determinations
- Q&A

Government Contracting Certification Programs

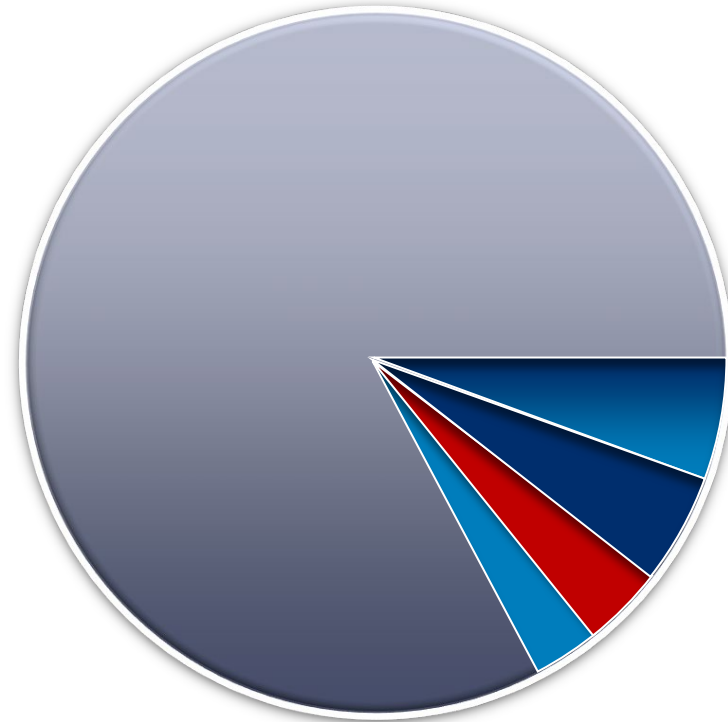
Targeted set-asides and acquisition goals:

Women-Owned Small Businesses
(5%)

Small Disadvantaged Businesses
(including 8(a) certified) (12%)

HUBZone Businesses (3%)

Service-Disabled Veteran-Owned
Small Businesses (3%)



Set-asides are reserved for small business between \$10,000 (Micro-purchase Threshold) to \$250,000 (Simplified Acquisition Threshold)

8(a) Business Development Program Objectives



01 Assistance

Management and technical assistance to help companies compete for business opportunities



02 Government Contracting

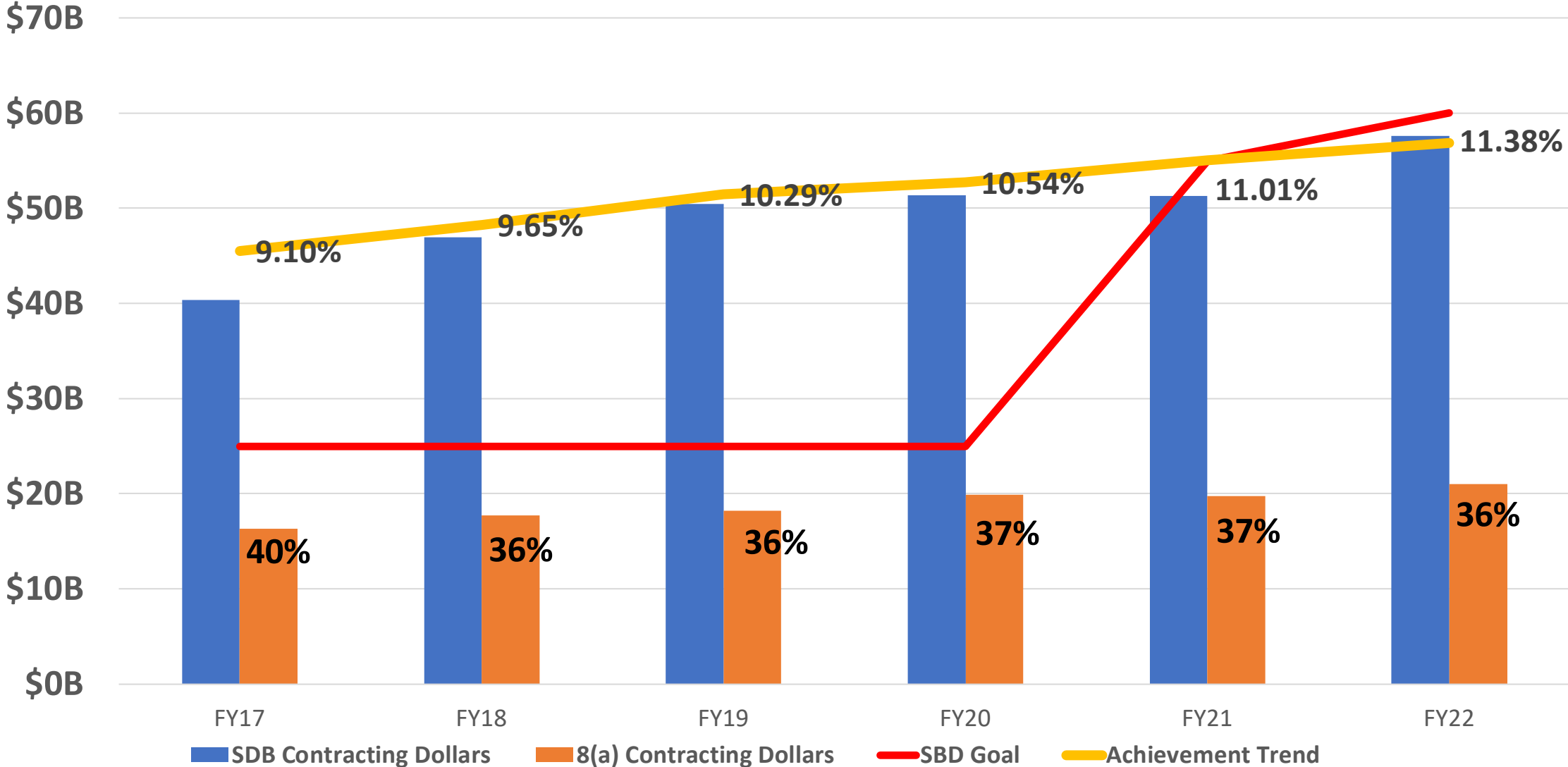
Helps thousands of entrepreneurs understand and succeed in government contracting



03 Ability to Thrive

Assist and graduate firms to allow them to thrive competitively

Small Disadvantaged Business Contract Dollars





PERMISSIONS

OPEN-EXECUTIVE BRANCH +2

Pages / Home

SBA OPPL COLLABORATION PAGE

Created by Mihaela Ciorneiu (SBA) on Jan 21, 2022

Direct connection to 8(a) Capabilities

Visit SBA's Collaboration Page at MAX.gov

[SBAOPPLCollaboration Page - Small Business Administration - MAXFederal Community](#)

Child Pages (3)

Add Child from Template Add Child Page

- Policy Updates
- SBA Program Office Updates
- SBPAC Share

**Access List of 8(a)
Program Participants**

**Instantly view
Capability Statements**

District Office POC's

Attachments (3)

Sort Show Details Advanced

Sort By: Date Name Type Size User Comment

8(a) Active List 5-22-23.xlsx (820 KB, v.1)
Last edited by: Sam Le (SBA) on May 22, 2023 at 04:20 PM
 No labels

8(a) Contract Ready 5-22-2023.xlsx (264 KB, v.1)
Last edited by: Sam Le (SBA) on May 22, 2023 at 04:20 PM
 No labels

Offer and Acceptance Emails - (Fin Rev 3-15-23).pdf (128 KB, v.1)
Last edited by: Sam Le (SBA) on Apr 07, 2023 at 11:43 AM
 Direct contact information for SBA's District Offices that federal agencies offer a procurement to the SBA for award through the 8(a) BD Program pe

What is the 8(a) Business Development Program

13 CFR 124.501 – 124.521

48 CFR FAR Subpart 19.8

- The 8(a)-program name is from Section 8(a) of the Small Business Act.
- The Act, as amended by Congress, created the 8(a) program so the U.S. Small Business Administration (SBA) could help small companies owned and operated by socially and economically disadvantaged persons develop their businesses.
- A small business that is accepted into the 8(a) program is known as a “participant.”
- SBA’s subcontractors are referred to as “8(a) contractors.” As used in this subpart, an 8(a) contractor is an 8(a) participant that is currently performing on a Federal contract or order that was set aside for 8(a) participants.

What is the 8(a) Business Development Program

Subpart 19.800 - Contracting with the Small Business Administration

- (b) Contracts may be awarded to the SBA for performance by eligible 8(a) participants on either a sole source or competitive basis.
- (c) Acting under the authority of the program, the SBA certifies to an agency that SBA is competent and responsible to perform a specific contract. The contracting officer has the discretion to award the contract to the SBA based upon mutually agreeable terms and conditions.
- (d) The contracting officer shall comply with 19.203 before deciding to offer an acquisition to a small business concern under the 8(a) program. For acquisitions above the simplified acquisition threshold, the contracting officer shall consider 8(a) set-asides or sole source awards before considering small business set-asides.
- (e) **When SBA has delegated its 8(a) program contract execution authority to an agency**, the contracting officer must refer to its agency supplement or other policy directives for appropriate guidance.

Purpose of the 8(a) Program Partnership Agreement

- ✓ Clarify the 8(a) Business Development Regulations
- ✓ Provide additional guidance on 8(a) Orders using Multiple Award Contracts (MAC) and Governmentwide Acquisition Contracts (GWAC)
- ✓ Clearly state roles and responsibilities



Roles and Responsibilities

Small Business Administration:

- ✓ Delegating contract authority
- ✓ Is the Prime Awardee on all contracts
- ✓ Provides training to federal agencies on the 8(a) BD Program and the PA
- ✓ Review offer letters
- ✓ Review release requests
- ✓ Complete Determinations of eligibility
- ✓ Check compliance
- ✓ PCR will not sign off until pending actions are resolved

Federal Agency Partners:

- ✓ Identify suitable requirements
- ✓ Submit offer letters
- ✓ Submit release requests
- ✓ New Requirement concurrence
- ✓ Early coordination for sole source awards for joint ventures
- ✓ Comply and monitor with subcontracting limitations
- ✓ Reporting requirements
- ✓ CPARS
- ✓ Include correct contract clauses
- ✓ Justifications and Approvals

8(a) Program Offer Letters

- **Sole Source Offer Letters**
 - Open Requirements
 - Nominated 8(a) Participants
- **Joint Ventures**
 - Approval before award (8(a) sole source only)
- **Basic Ordering Agreements and Blanket Purchase Agreements**
 - Are not contracts
 - Each order must be offered and accepted
- **Competitives**
 - Overseas requirements sent to the Management and Technical Assistance Division at SBA's headquarters omta@sba.gov
- **Task or Delivery Order Contracts**
 - Competitive task orders
 - Sole source orders
- **Establishing a new Multiple Award Contract (MAC)**
 - Multiple NAICS codes, > 5 times the NAICS and/or period of performance greater than 5 years

Offer Letter

Do's and Don't Tips

Do's



- Do make sure the NAICS code matches the work
- Do your homework / Due diligence
- Do give yourself time
- Do send the offering letter to the district office where the contracting activity is located OR to the district office that services the 8(a) participant

Do Not's

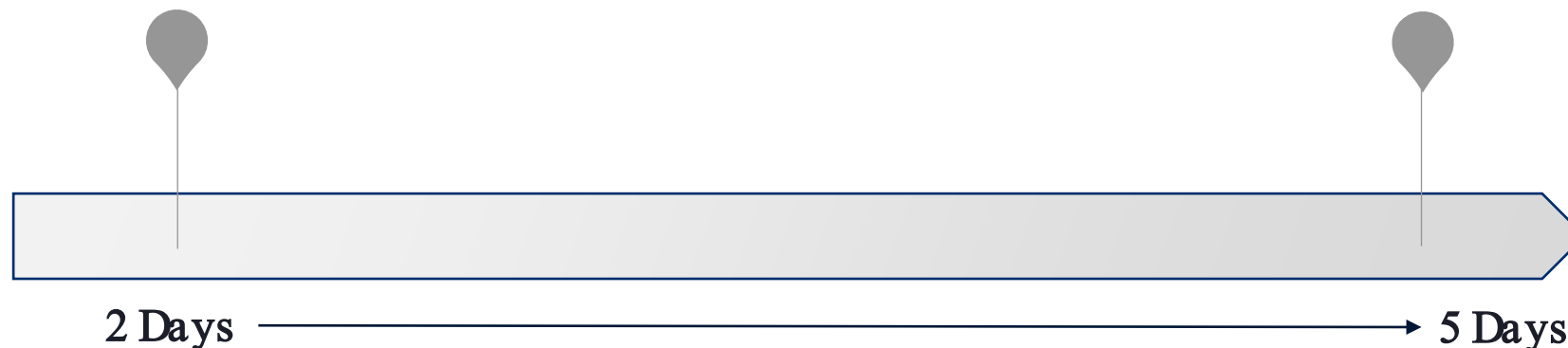


- Do not include the firm on your email
- Do not negotiate with firm prior to receiving an acceptance letter
- Do not "compete" a requirement with a few selected firms
- Do not request or negotiate pricing

Acceptance Process Timeline

- **Actions that exceed the Simplified Acquisition Threshold**
 - → 5 Working Days
 - Withdrawal/substitution of offered requirement or participant
- **Actions below the Simplified Acquisition Threshold**
 - → 2 Working Days
 - No formal offer letter, verifying eligibility

**If you do not hear back, we request that you contact the district office*



Special Circumstances

- **Joint Venture Sole Source Review**
 - Confirm timeline with Agency within 5 days
- **Competition below the competitive thresholds**
 - Special capabilities or a large number of offerors
 - Requires approval from the AA/BD
- **Sole Source above the threshold**
 - Justify that there is only one 8(a) participant who can perform the requirement
 - Requires approval from the AA/BD
- **Administration of Contracts**
 - CO must advise and consult with SBA for any intent to terminate for default or convenience **BEFORE** doing so
- **Release for Non-8(a) or Limited 8(a) Competition**
 - Requires approval from the AA/BD

Release Requests

- **8(a) Release Requirements**
 - ✓ Reason(s) for the request
 - ✓ Procurement History
 - ✓ Market Research
 - ✓ Re-Procurement Strategy
 - ✓ NAICS and SOW/PWS/SOO
 - ✓ Original Acceptance Letter
 - ✓ Agency Goals and Achievements
- **Please send the release request to the district office that services the incumbent**
- **Establish a timeline for review and processing between the district office and the agency**



New Requirement Determination

Questions to Consider:

1. Is there a significant scope change that requires different capabilities?
2. Is there a 25% value change for equivalent periods of performance?
3. Does the end user change?



Documents needed for Review:

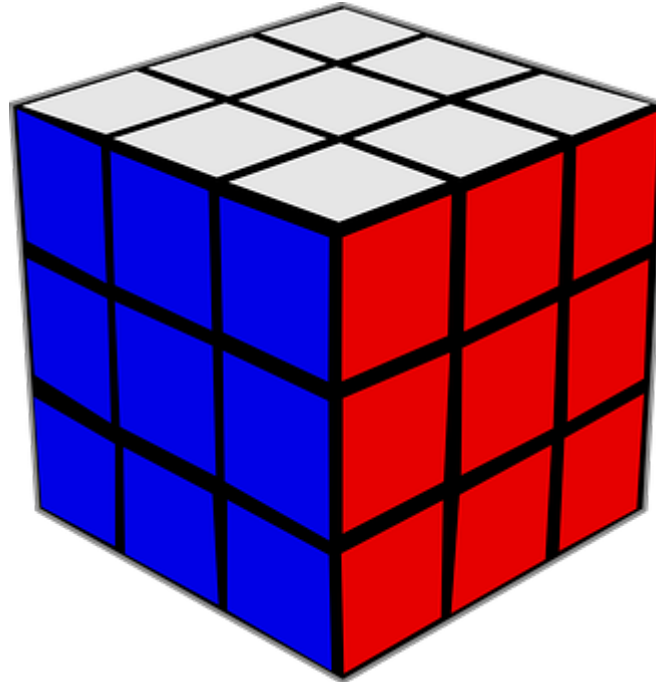
1. Basis for the agency's determination
2. Independent Government Cost Estimate and applicable market research
3. SOW/PWS/SOO for the current and new requirement
4. Procurement History

SBA Appeals

1. CO works with their agency's Small Business Technical Advisor to coordinate a meeting with the SBA representative at the **lowest level possible**, including the District Director or Deputy District Director, within 10 working days.
2. Coordinate a meeting with the SBA District Director and the SBA Area Director within 5 working days.
3. Agency works with OSDBU office to coordinate a meeting with the SBA Associate Administrator for Business Development (AA/BD) within 5 working days by sending a request to: OMTA@sba.gov
4. Agency's OSDBU, the SBA Associate Administrator, the AA/BD and the Deputy Associate Administrator, Office of Government Contracting and Business Development (DAA/GCBD)

Adverse Impact – 8(a) Program Participants Inquiries

- SBA will notify the agency's OSDBU and senior procurement official representative in writing and the agency will respond in 10 days





**Thank you for your leadership and support
to maximize utilization of the 8(a) Program**

Questions?

Thank you.



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