



U.S. Small Business
Administration



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8(a) Business Development Program Updates

Not intended for public distribution

Hosts

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Welcome to “SBA Virtual Learning 2022”

1. Questions answered during the final 10 minutes.
2. Technical problems: Contact your IT admin who manages Teams settings for your organization.
3. Captioning available for this presentation.
4. We cover the “**SBA Quick Reference**” as time allows.
5. For more SBA training visit the SBA Learning Center website <https://www.sba.gov/tools/sba-learning-center/search/training>

Association of Procurement Technical Assistance Centers (APTAC)

Procurement Technical Assistance Centers are a vital resource partner.

- APTAC posts past “First Wednesday” programming at this link: <http://www.aptac-us.org/for-contracting-officers-sba-webinar-library/>
- Contracting officer resources: “How PTACs partner with federal agencies”: <http://www.aptac-us.org/federal-partners/>
- Find your nearest Procurement Technical Assistance Center at <http://www.aptac-us.org>

Small Business Administration YouTube Page

SBA YouTube page posts past “First Wednesday” programming at links below.

- October 5, 2022 – 8(a) Business Development Program Updates:
- November 2, 2022 – SBA Surety Bonding Program:
- December 7, 2022 – Subcontracting Program:
- January 3, 2023 – Natural Resources and SBA Points of Contact:
- February 1, 2023 – All Small Mentor Protégé Program (ASMPP):
- March 1, 2023 – Non-Manufacture Rule (NMR):
- April 5, 2023 – Size Program:
- May 3, 2023 – Market Research:
- Jun 7, 2023 – Legislature and Regulatory Updates:
- July 5, 2023 – Service-Disabled Veteran Owned Program (SDVOSB):
- August 2, 2023 – Surveillance Review Program:

FIRST WEDNESDAY VIRTUAL LEARNING SERIES

FY 2023 SCHEDULE

1:00 to 2:00 PM Central Time

FY 2023	Date	Topic
1	October 5, 2022	8(a) Business Development Program Updates
2	November 2, 2022	SBA Surety Bonding Program
3	December 7, 2022	Subcontracting Program
4	January 3, 2023	Natural Resources and SBA Points of Contact
5	February 1, 2023	All Small Mentor Protégé Program (ASMPP)
6	March 1, 2023	Non-Manufacture Rule (NMR)
7	April 5, 2023	Size Program
8	May 3, 2023	Market Research
9	June 7, 2023	Legislature and Regulatory Updates
10	July 5, 2023	Service-Disabled Veteran Owned Program (SDVOSB)
11	August 2, 2023	Surveillance Review Program

The program schedule is for information only and is subject to change.

One Continuous Learning Point

- Self-service process for one CLP of credit: Complete the survey contained in the link below. A new link will be provided every month. The link is activated on the day of the training. The link will be deactivated two weeks after the training event. <https://forms.office.com/g/d63mte3U8F>
- Those that do not complete the survey within two weeks, can later send an email to sbalearning@sba.gov and request a training certificate.
- If you listen in groups and you want all attendees to be included on the future mailing list, send email addresses of participants in an excel document to sbalearning@sba.gov.

Today's Speaker(s)

Candice Miles
Senior Business Management Specialist
Management and Technical Assistance Division
U.S. Small Business Administration



U.S. Small Business
Administration

SBA's New & Improved Partnership Agreement

Small Business Administration

First Wednesday Training

Wednesday, October 5, 2022

Agenda

- Contracting Goals
- 8(a) Business Development Program Goals
- 8(a) Business Development Regulations
- Partnership Agreement Purpose
- Roles and Responsibilities
- Offer Letters
- Special Circumstances that Require Additional Review
- Release Requests
- New Requirement Determinations
- Questions

Set-Aside for Certification Programs and Socio-Economic Categories

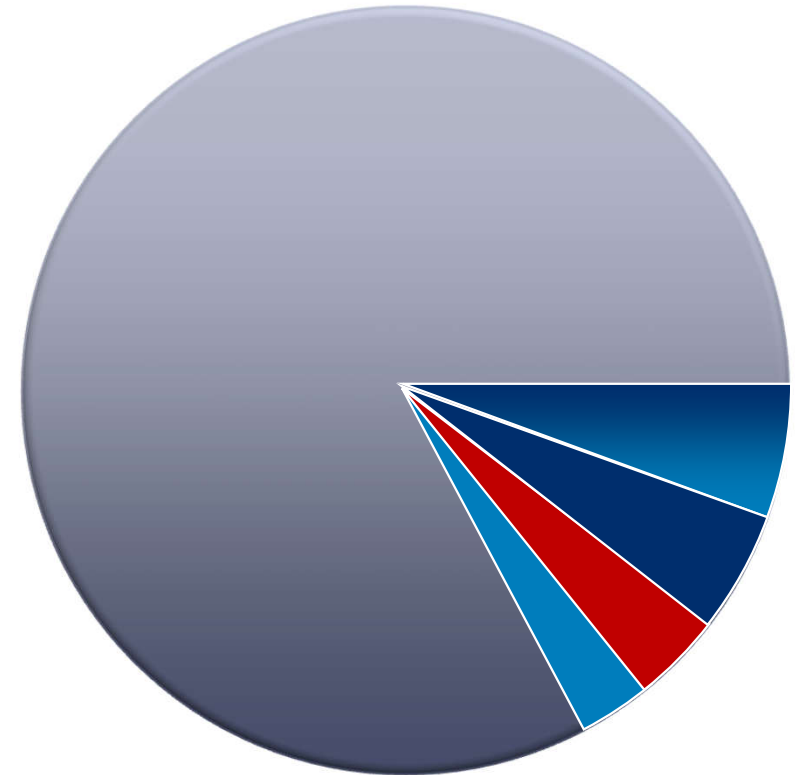
Targeted set-asides and acquisition goals:

**Women-Owned Small Businesses
(5%)**

**Small Disadvantaged Businesses
(including 8(a) certified) (11%)**

HUBZone Businesses (3%)

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



Set-asides are reserved for small business between \$3,500 (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

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 19.8 - Contracting with the Small Business Administration (The 8(a) Program) (con't):

- (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.

Partnership Agreement Purpose

- ✓ Clarify the 8(a) Business Development Regulations
- ✓ Provide additional guidance on MACs and GWACs
- ✓ 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

Offer Letters

- **Sole Source Offer Letters**
 - Open Requirements
 - Nominated 8(a) Participants
- **Joint Ventures**
 - Approval before award
- **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
- **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

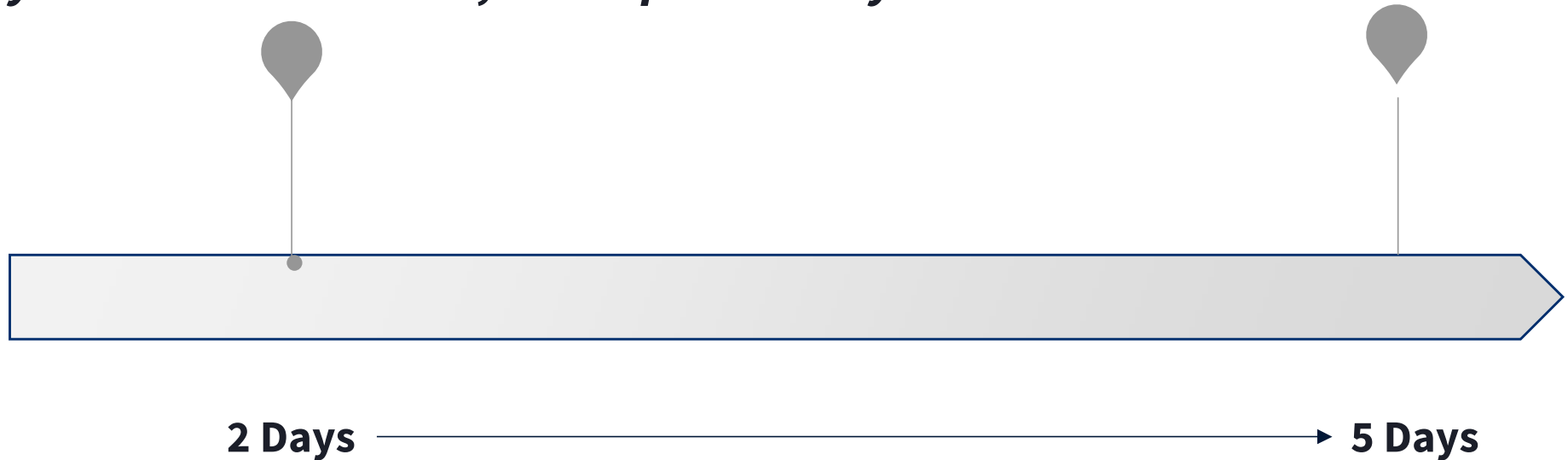


- Do not include the firm on your email
- Do not negotiate with firm prior to receiving an acceptance letter
- Do not “compete” a requirement with a few selected firms
- Do not request or negotiate pricing

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:

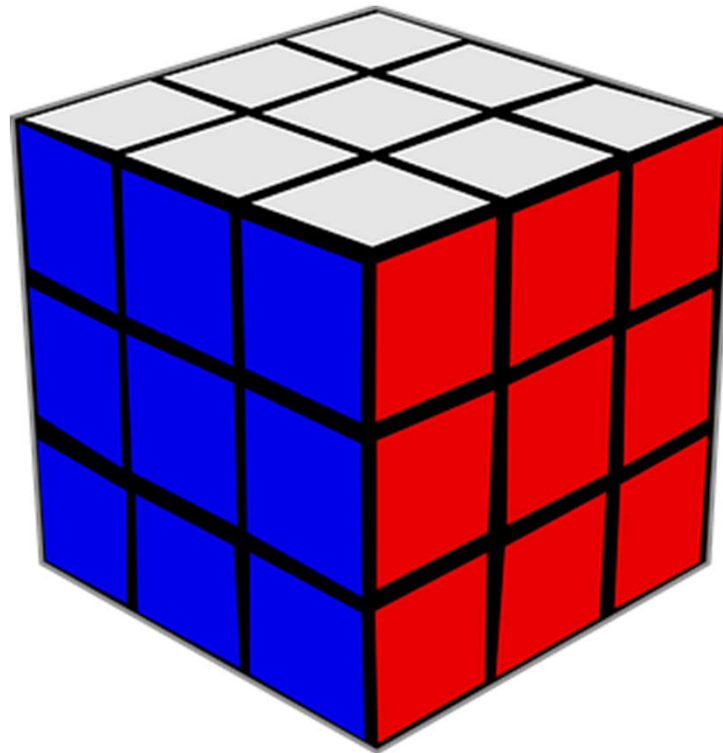
1. Basis for the agency's determination
2. Independent Government Cost Estimate and applicable market research
3. SOW/PWS/SOO for the current and new requirement
4. Procurement History

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



Questions?