19.805-2 Procedures.

(a) *Offers shall* be solicited from those sources identified in accordance with 19.804-3.

(b) The SBA will determine the eligibility of the apparent successful *offeror*. Eligibility is based on section 8(a) program criteria (see 13 CFR 124.501(g) and 19.816(c)).

(1) In either negotiated or sealed bid competitive 8(a) *acquisitions* SBA will determine the eligibility of the apparent successful *offeror* and advise the *contracting office* within 5 working days after receipt of the *contracting office*'s request for an eligibility determination.

(i) If SBA determines that the apparent successful *offeror* is *ineligible*, the *contracting office* will then send to SBA the identity of the next highest evaluated *offeror* for an eligibility determination. The process is repeated until SBA determines that an identified *offeror* is eligible for award.

(ii) If the *contracting officer* believes that the apparent successful *offeror* (or the *offeror* SBA has determined eligible for award) is not responsible to perform the contract, the *contracting officer must* refer the matter to SBA for Certificate of Competency consideration under subpart 19.6.

(2) For a two-step design-build *procurement*, an 8(a) participant *must* be eligible for award under the 8(a) program on the initial date for receipt of phase one *offers* specified in the *solicitation* (see 13 CFR 124.507(d)(3).

(3) In any case in which an 8(a) participant is determined to be *ineligible*, SBA will notify the 8(a) participant of that determination.

(c) Any party with information questioning the eligibility of an 8(a) participant to continue participation in the 8(a) program or for the purposes of a specific 8(a) award *may* submit such information to the SBA in accordance with 13 CFR 124.112(c).

(d)

(1) SBA does not certify joint ventures, as entities, into the 8(a) program.

(2) A *contracting officer may* consider a joint venture for contract award. SBA does not approve joint ventures for competitive awards (but see 13 CFR 124.501(g) for SBA's determination of participant eligibility).

Parent topic: 19.805 Competitive 8(a).