19.812 Contract administration.

(a) The *contracting officer shall* assign contract administration functions, as required, based on the location of the 8(a) contractor (see Federal Directory of Contract Administration Services *Components* (available via the Internet at https://piee.eb.mil/pcm/xhtml/unauth/index.xhtml)).

(b) The agency *shall* distribute copies of the contract(s) in accordance with part 4. All contracts and modifications, if any, *shall* be distributed to both the SBA and the 8(a) contractor in accordance with the timeframes set forth in 4.201.

(c) To the extent consistent with the *contracting activity*'s capability and resources, 8(a) contractors furnishing requirements *shall* be afforded production and technical assistance, including, when appropriate, identification of causes of deficiencies in their *products* and suggested corrective action to make such *products* acceptable.

(d) For 8(a) contracts exceeding 5 years including *options*, the *contracting officer shall* verify in DSBS or SAM that the *concern* is an SBA-certified 8(a) participant no more than 120 days prior to the end of the fifth year of the contract. If the *concern* is not an SBA-certified 8(a) participant, the *contracting officer shall* not exercise the *option* (see 13 CFR 124.521(e)(2)).

(e) An 8(a) contract, whether in the base or an *option* year, *must* be terminated for convenience if the 8(a) contractor to which it was awarded transfers ownership or control of the firm or if the contract is transferred or novated for any reason to another firm, unless the Administrator of the SBA waives the requirement for contract termination (13 CFR 124.515). The Administrator *may* waive the termination requirement only if certain conditions exist. Moreover, a waiver of the requirement for termination is permitted only if the 8(a) contractor's request for waiver is made to the SBA prior to the actual relinquishment of ownership or control, except in the case of death or incapacity where the waiver *must* be submitted within 60 calendar days after such an occurrence. The clauses in the contract entitled "Special 8(a) Contract Conditions" and "Special 8(a) Subcontract Conditions" require the SBA and the 8(a) subcontractor to notify the *contracting officer* when ownership of the firm is being transferred. When the *contracting officer* receives information that an 8(a) contractor is planning to transfer ownership or control to another firm, the *contracting officer shall* take action immediately to preserve the *option* of waiving the termination requirement. The *contracting officer shall* determine the timing of the proposed transfer and its effect on contract performance and mission support. If the *contracting officer* determines that the SBA does not intend to waive the termination requirement, and termination of the contract would severely impair attainment of the agency's program objectives or mission, the *contracting officer shall* immediately notify the SBA *in writing* that the agency is requesting a waiver. Within 15 business days thereafter, or such longer period as agreed to by the agency and the SBA, the *agency head must* either confirm or withdraw the request for waiver. Unless a waiver is approved by the SBA, the *contracting officer must* terminate the contract for convenience upon receipt of a written request by the SBA. This requirement for a convenience termination does not affect the Government's right to terminate for default if the cause for termination of an 8(a) contract is other than the transfer of ownership or control.

Parent topic: Subpart 19.8 - Contracting with the Small Business Administration (The 8(a) Program)