PGI 219.8 -CONTRACTING WITH THE SMALL BUSINESS ADMINISTRATION (THE 8(A) PROGRAM)

Parent topic: PGI Part 219 - SMALL BUSINESS PROGRAMS

PGI 219.800 General.

A copy of the Partnership Agreement (PA) between DoD and the Small Business Administration (SBA) is available here.

PGI 219.803 Selecting acquisitions for the 8(a) Program.

(1) Contracting activities should respond to SBA requests for contract support within 30 calendar days after receipt.

(2) Before considering a small business set-aside, review the acquisition for offering under the 8(a) Program.

PGI 219.804 Evaluation, offering, and acceptance.

PGI 219.804-2 Agency offering.

(1) For requirements processed under the PA cited in DFARS 219.800 (but see paragraph (2) of this subsection for procedures related to purchase orders that do not exceed the simplified acquisition threshold), the notification to the SBA shall clearly indicate that the requirement is being processed under the PA. All notifications should be submitted in writing, using facsimile or electronic mail, when possible, and shall specify that—

(i) Under the PA, an SBA acceptance or rejection of the offering is required within 5 working days of receipt of the offering; and

(ii)(A) For sole source requirements, an SBA acceptance shall include a size verification and a determination of the 8(a) firm’s program eligibility, and, upon acceptance, the contracting officer will solicit a proposal, conduct negotiations, and make award directly to the 8(a) firm; or

(B) For competitive requirements, upon acceptance, the contracting officer will solicit offers, conduct source selection, and, upon receipt of an eligibility verification, award a contract directly to the selected 8(a) firm.

(2) Under the PA cited in DFARS 219.800, no separate agency offering or SBA acceptance is needed for requirements that are issued under purchase orders that do not exceed the simplified acquisition threshold. After an 8(a) contractor has been identified, the contracting officer shall establish the

prices, terms, and conditions with the 8(a) contractor and shall prepare a purchase order consistent with the procedures in FAR Part 13 and DFARS Part 213, including the applicable clauses required by DFARS Subpart 219.8. No later than the day that the purchase order is provided to the 8(a) contractor, the contracting officer shall provide to the cognizant SBA Business Opportunity Specialist, using facsimile, electronic mail, or any other means acceptable to the SBA district office—

(i) A copy of the signed purchase order; and

(ii) A notice stating that the purchase order is being processed under the PA. The notice also shall indicate that the 8(a) contractor will be deemed eligible for award and will automatically begin work under the purchase order unless, within 2 working days after SBA's receipt of the purchase order, the 8(a) contractor and the contracting officer are notified that the 8(a) contractor is ineligible for award.

(3) The notification to SBA shall identify any joint venture proposed for performance of the contract. SBA shall approve a joint venture before award of an 8(a) contract involving the joint venture.

(4) For competitive requirements for construction to be performed overseas, submit the notification to SBA Headquarters.

PGI 219.804-3 SBA acceptance.

For requirements processed under the PA cited in DFARS 219.800, SBA's acceptance is required within 5 working days (but see PGI 219.804-2 (2) for purchase orders that do not exceed the simplified acquisition threshold).

PGI 219.805 Competitive 8(a).

PGI 219.805-2 Procedures.

For requirements processed under the PA cited in DFARS 219.800—

(1) For sealed bid and negotiated acquisitions, the SBA will determine the eligibility of the firms and will advise the contracting officer within 2 working days after its receipt of a request for an eligibility determination; and

(2) For negotiated acquisitions, the contracting officer may submit a request for an eligibility determination on all firms in the competitive range if discussions are to be conducted, or on all firms with a realistic chance of award if no discussions are to be conducted.

PGI 219.808 Contract negotiations.

PGI 219.808-1 Sole source.

For requirements processed under the PA cited in DFARS 219.800—

(1) The agency may negotiate directly with the 8(a) contractor. The contracting officer is responsible for initiating negotiations;

(2) The 8(a) contractor is responsible for negotiating within the time established by the contracting officer;

(3) If the 8(a) contractor does not negotiate within the established time and the agency cannot allow additional time, the contracting officer may, after notifying the SBA, proceed with the acquisition from other sources;

(4) If requested by the 8(a) contractor, the SBA may participate in negotiations; and

(5) SBA approval of the contract is not required.

PGI 219.811 Preparing the contracts.

PGI 219.811-1 Sole source.

(1) Awards under the PA cited in DFARS 219.800 may be made directly to the 8(a) contractor and, except as provided in paragraph (2) of this subsection and in DFARS 219.811-3, award documents shall be prepared in accordance with procedures established for non-8(a) contracts, using any otherwise authorized award forms. The “Issued by” block shall identify the awarding DoD contracting office. The contractor’s name and address shall be that of the 8(a) participant.

(2) Use the following alternative procedures for direct awards made under the PA cited in DFARS 219.800:

(i) Cite 10 U.S.C. 3204(a)(5 as the authority for use of other than full and open competition.

(ii) Include the clause at DFARS 252.219-7009, Section 8(a) Direct Award, in accordance with the prescription at DFARS 219.811-3(1). Identify the cognizant SBA district office for the 8(a) contractor.

(iii) No SBA contract number is required.

(iv) Do not require an SBA signature on the award document.

PGI 219.811-2 Competitive.

Awards made under the PA cited in DFARS 219.800 shall be prepared in accordance with the procedures in PGI 219.811-1 .