



U.S. Small Business
Administration



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SBA's Small Business 8 (a) Program Updates

Not intended for public distribution

Hosts

**Darryl Williams, Procurement Center Representative
SBA Office of Government Contracting, Area IV,
Warren, MI**

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SBA Office of Government Contracting, Area IV,
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Welcome to “SBA Virtual Learning 2023”

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>

Important Announcements

National Small Business Week

- National Small Business Week
- Prime Contractor of the Year nominations are now being accepted
- Go to www.sba.gov/nsbw
- Deadline for submission – December 7, 2023
- For more information contact - valerie.coleman@sba.gov

July 3 First Wednesday

- The Tenth Session of SBA First Wednesday is moved to Thursday, July 11, 2024
- This is due to First Wednesday being on July 3, 2024

The APEX Accelerator Program

The APEX Accelerators are a vital resource partner.

- The APEX Accelerators posts past “First Wednesday” programming at this link:
<http://www.aptac-us.org/for-contracting-officers-sba-webinar-library/>
- Contracting Officer Resources: “How APEX Accelerators partner with federal agencies”: <http://www.aptac-us.org/federal-partners/>
- Find your nearest APEX Accelerators/Procurement Technical Assistance Center at <http://www.aptac-us.org>
- APEX Accelerator Information at <https://www.apexaccelerators.us/#/>

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: <https://youtu.be/Yl5Sp0dP1aE>
- November 2, 2022 – Surety Bond Guarantee Program: <https://youtu.be/QIZJiMLcc5o>
- December 7, 2022 – Subcontracting Program: <https://youtu.be/gMaaeGl8CBs>
- January 4, 2023 – Surveillance Review Program: <https://youtu.be/euUX4Jv6kRI>
- February 1, 2023 – HUBZone Program: <https://youtu.be/YGnS8e6idCc>
- March 1, 2023 – The Mentor Protégé Program: <https://youtu.be/A9KbCm4FP1c>
- April 5, 2023 – Non-Manufacture Rule (NMR): <https://youtu.be/AqwYMWoe9f0>
- May 3, 2023 – Size Program: https://youtu.be/45WZ_oPb1GY
- Jun 7, 2023 – Legislature and Regulatory Updates: <https://youtu.be/ljx9IajQJNY>
- July 5, 2023 – Market Research: [SBA First Wednesday Market Research - July 13, 2023](https://youtu.be/SBA_First_Wednesday_Market_Research_-_July_13,_2023)
- August 2, 2023 – Service-Disabled Veteran Owned Program (SDVOSB):
<https://youtu.be/QxcxJISRhnw>

FY2024

- October 4, 2023 - Certificate Of Competency: <https://youtu.be/VDZ-uuCLlWw>
- November 1, 2023 - 8(a) Program Updates:

FIRST WEDNESDAY VIRTUAL LEARNING SERIES FY 2024 SCHEDULE

1:00 to 2:00 PM Central Time

FY 2024	Date	Topic
1	October 4, 2023	COC
2	November 1, 2023	8(a) Program Updates
3	December 6, 2023	The Timber Program and SBA POCs
4	January 3, 2024	Compliance Reviews
5	February 7, 2024	Limitations on Subcontracting
6	March 6, 2024	SBA Mentor Protégé Program and Joint Ventures
7	April 3, 2024	Women Owned Small Business (WOSB)
8	May 1, 2024	Participation Plans versus Subcontracting Plans
9	June 5, 2024	Legislative Updates
10	*July 11, 2024	HUBZone
11	August 7, 2024	Market Research

* Schedule Revision Due to Holiday

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

One Continuous Learning Point

- Self-service process for one CLP of credit: Many of you want to receive credit for today's training. You will be glad to know that today's training is worth one CLP. The slide presentation will include the training certificate on Slide10. Fill, download the training certificate, copy and submit it through regular channels.
- 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.

“SBA 1st Wednesday Virtual Learning 2024”

This Certificate is awarded to

Insert Your Name Here

For completion of

8(a) Business Development Program Update

This training seminar may be credited towards “Continuous Learning Points” as described in OFPP Policy Letter 05-01. Recommendation of One CLP.



Pamela J. Beavers

Director, Area IV
SBA Office of Government Contracting

11/01/2023

DATE

Today's Speakers

Dr. Donna Peebles

Candice Miles

Mark Hagedorn



U.S. Small Business
Administration

Today's Speakers

Donna Peebles

Associate Administrator, Office of Business Development

Candice Miles, DBA

Senior Business Management Specialist

Mark Hagedorn

Attorney, Procurement Law

Office of General Counsel



U.S. Small Business
Administration

8(a) Business Development Program Update

Overview

- 8(a) Business Development Program
 - Overview
 - SDB Scorecard
 - Program achievements
 - Ultima Court Case
- FY22 Lessons Learned
 - 8(a) Partnership Agreement
 - HOT Tips and Important Reminders
- FAR/Regulatory Action Concerning the 8(a) Program
- Questions

Reminder of the Purpose and Intent of the 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

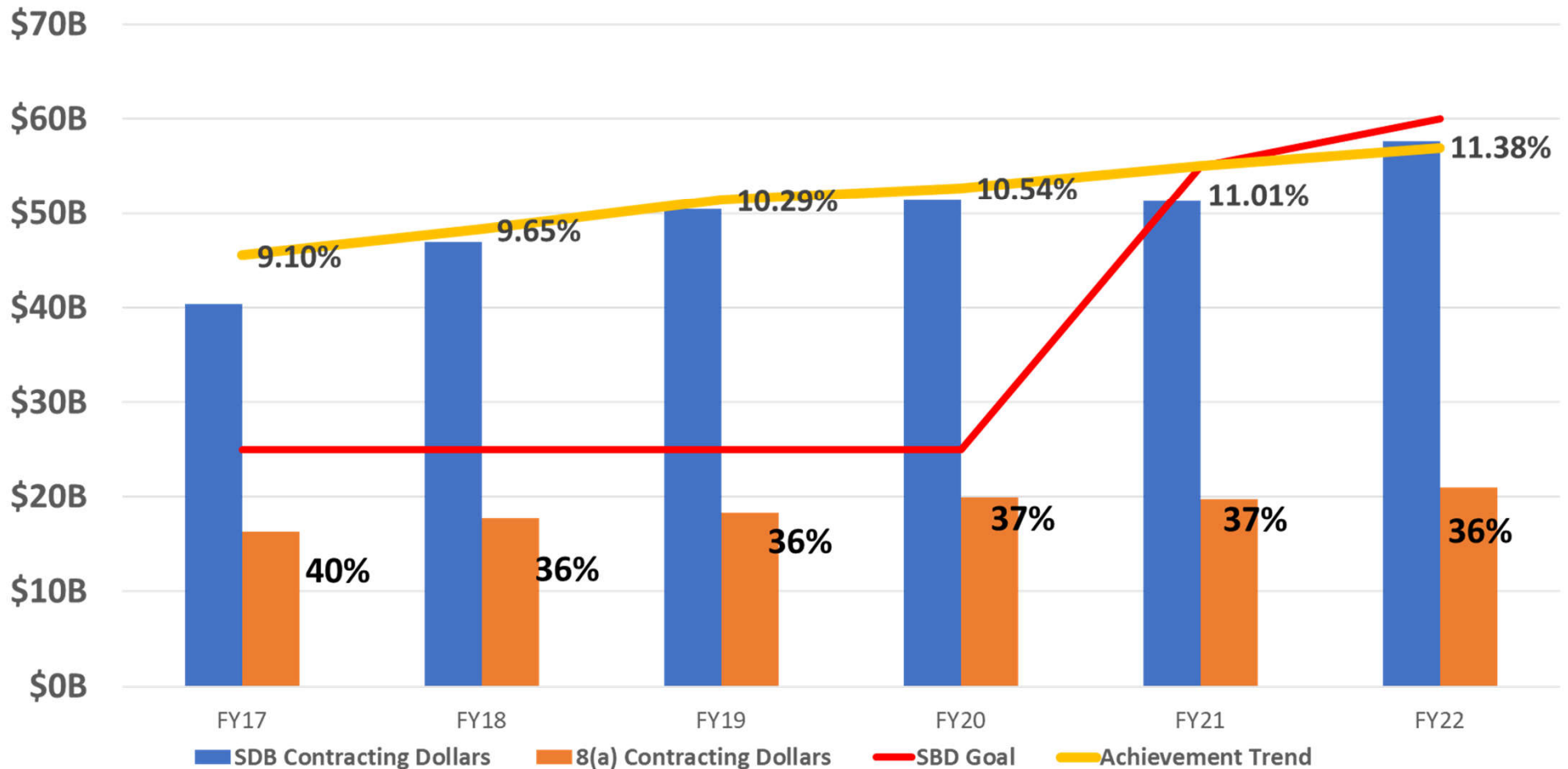
Assist and graduate firms to allow them to thrive competitively

SDB

Federal Scorecard Performance: Improving

FY22
Goal 11%
Achieved 11.38%

GROWTH! SDB Federal Contractors in 2009 = 13,000
SDB's in 2022 = 23,000
Ref <https://datahub.certify.sba.gov>



Small Disadvantaged Business Contract Dollars

8(a) Business Development Program

2023 Priority Achievements

- **Outreach Campaign:** Surveyed 1,000+ federal agency customers; Increased training to procurement and small business specialists
- **New 8(a) Partnership Agreement:** signed with 41 Federal Agencies [SBA and agencies partnership agreements](#) | [U.S. Small Business Administration](#). **SBA Processed over 7,611 8(a) Offer & Acceptance letters in FY23.**
- **Created new path for federal agencies to access 8(a) firms:** Partnered with GSA and launched the new 8(a) MAS Pool in Aug; 600 firms on-board [[How to use the new MAS 8\(a\) Pool](#) | [GSA](#)]. The 8(a) MAS Contractor indicator is “8aS” = eligible for both sole source & competitive; or “8a” if eligible for competitive orders only.
- **DSBS Improvements in June 2023:** Added new field in Dynamic Small Business Search allowing SB’s to add a URL for their Capability Statement. Catalyzes market research efforts!
- **Rule Changes:**
 - **Effective May 30, 2023** *Ownership and Control and Contractual Assistance Requirements for the 8(a) Business Development Program* [Federal Register :: Ownership and Control and Contractual Assistance Requirements for the 8\(a\) Business Development Program](#)
 - **Effective Nov 6, 2023:** *FAR Regulatory Action, 8(a) Program Final Rule* [Federal Register :: Federal Acquisition Regulation: 8\(a\) Program](#)
- **Early Engagement Expansion:** Increase the number of procurement-ready firms participating in the program through stronger partnership with Apex Accelerators (PTACs) and SBDCs

8(a) Business Development Program

Questions? Email SBA at
8aQuestions@sba.gov



- **Court Case:** July 19, 2023 *Ultima Servs. Corp. V. Dep't of Ag.* [Ultima Services Corp v. U.S. Dept of Agriculture - Certify Knowledge Base - Confluence \(atlassian.net\)](#)
- **Ruling:** The Court barred SBA from using the presumption of social disadvantage to administer the 8(a) Program. The Court's decision does not impact entity-owned firms (such as firms owned by Indian Tribes, Alaska Native Corporations (ANC); Native Hawaiian Organizations (NHO), or Community Development Corporations (CDC)).
- **Impact/SBA Response:** In close coordination with the Department of Justice, and to comply with the Court's order, in Q4 of FY23 SBA required all 8(a) Program Participants to re-establish their 8(a) eligibility by submitting a social disadvantage narrative. The entity-owned firms **do not** need to submit a narrative. Application portal closed & processing stopped July 21st; Application portal opened Sep 29th.
- **Results:** Today, 60% of the 4,820 8(a) Program Participants in the program have completed their narratives.
- **Verify and Validate:** Use DSBS.gov to view the 8(a) firm's program entrance and exit date. Always contact the SBA's District Office servicing the 8(a) Firm and verify eligibility.
- **Agencies shall follow the "Offer and Acceptance" process outlined in their 8(a) Partnership Agreements and the FAR.**

Q: If an agency seeks to place a directed (sole source) award with an individual-owned 8(a) firm – either on the open market or on an existing government-wide or agency contract – must SBA first verify the nominee's eligibility for award as part of its acceptance of the procurement into the 8(a) Program?

A: YES. For every sole source 8(a) award, SBA must first verify that the nominee meets the social disadvantage requirement in connection with its acceptance. This includes the award of any 8(a) sole source order, regardless of whether the underlying contract is an 8(a) contract.

- **More guidance for Federal Agencies is available:**
 - Visit [SBA.gov/8a](https://www.sba.gov/8a) for important updates and the most recent guidance [Updates on the 8\(a\) Business Development program | U.S. Small Business Administration \(sba.gov\)](#)
 - FAQ's for Federal Agencies – Issued Aug 18 and Sept 19, 2023 [FAQs for Federal Agencies - Continued Use of the 8\(a\) Program During the Ultima Injunction | U.S. Small Business Administration \(sba.gov\)](#)

FY22 Lessons Learned 8(a)

- ✓ 41 Partnership Agreements Signed
- ✓ 16 Federal Agency Trainings for over 1,500 small business procurement professionals
- ✓ Relationships & strategies to engage the 8(a) community and maximize participation
- ✓ Engage early and often



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

Partnership Agreement Purpose

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



Offer Letters



- **Sole Source**
 - Open Requirements
 - Nominated 8(a) Participants
- **Sole Source Joint Ventures**
 - Approval before award
- **Basic Ordering Agreements and Blanket Purchase Agreements**
 - Are not contracts
 - Each order must be offered and accepted
- **Competitive**
 - Send to the district office closest to your buying activity
 - Send overseas requirements 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

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
- **What if you don't hear back?**
 - Contact the District Office
 - Contact the AA/BD through OMTA@sba.gov



Special Circumstances That Require Additional Review

- **Establishing a new Multiple Award Contract (MAC)**
 - Multiple NAICS codes, > 5 times the NAICS and/or period of performance greater than 5 years
- **Joint Venture Sole Source**
 - 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
- **New Requirement Determination**



Best Practices



Follow your agency's internal guidance



Market Research



Host Briefings with 8(a) participants to learn about their capabilities and capacity



Ask questions, SBA is here to help!

Recent FAR Regulatory Action

Final Rule: 8(a) Ownership and Control and Contractual Assistance Requirements for the 8(a) Business Development Program

88 FR 26164 (April 27, 2023) Effective May 30, 2023

- Recognizes a change of ownership process for a former 8(a) firm still performing one or more 8(a) contracts
- Clarifies eligibility requirements related to outstanding federal financial obligations and potential for success
- Codifies policy that an agency may not further limit 8(a) competition to firms that have additional socioeconomic certifications (e.g., HUBZone, WOSB, SDVOSB)
- Clarifies bona fide place of business requirements (for 8(a) construction procurements)
- Clarifies rules governing sole source 8(a) orders under 8(a) and non-8(a) multiple award contracts

FAR Final Rule: 8(a) program

[88 FR 69523](#) (Oct. 5, 2023) Effective Nov 7, 2023

- Requires coordination and notice to 8(a) program when a procurement, previously in the 8(a) program, is determined to be a new requirement, not subject to 8(a) release requirements
- Requires coordination and notice when agency intends to procure an 8(a) follow-on using an existing limited-competition contract vehicle, when the current or previous 8(a) contract was available to all 8(a) participants
- Requires written notice and determination when agency intends to procure an 8(a) follow-on through a mandatory source
- SBA reserves the right to appeal these decisions

FAR Final Rule: Small Disadvantaged Business Threshold

[88 FR 53751](#) (Aug. 8, 2023)

- Removes the \$750,000 net worth threshold for small disadvantaged business status, and replaced with reference to SBA regulations in 13 CFR 124.104 (governing economic disadvantage in the 8(a) program)
- Current SBA threshold is \$850,000

FAR Final Rule: Small Business Amendments

[88 FR 9734](#) (Feb. 14, 2023)

- Limit options past the 5th year on a long-term 8(a) contract to 8(a) firms that continue to qualify as 8(a) participants
- Clarify that the size standard for IT value-added resellers is 150 employees
- Apply the ostensible subcontractor rule to SBA's socioeconomic programs
- Determine size as of initial offer if the solicitation does not require a price evaluation

Frequently Asked Questions

- **Pre-Solicitation**

Q: For a competitive requirement do I follow offer and acceptance procedures for 8(a) exclusive vehicles? (GSA Stars III, HCATS, OASIS SB 8(a) Pool, etc.)

A: No, offer and acceptance is only for sole source requirements on 8(a) exclusive vehicles.

- **Pre-Award**

- *Q: If an 8(a) participant graduates from the program, are they eligible for sole source awards?*

- *A: No, a firm is no longer for sole source awards after graduation from the 8(a) program.*

- **Post Award**

- *Q: If additional time or additional money is needed to complete a requirement, do I need to contact SBA?*

- *A: Yes, please contact the district office that services the incumbent to request a contract modification.*

Visit **SBA.gov**

→ **Federal Contracting**
→ **Contracting Assistance**

Learn more about SBA's Government Contracting & Business Development federal certification programs:

8(a): sba.gov/8a

VetCert: veterans.certify.sba.gov

WOSB: wosb.certify.sba.gov

HUBZone: sba.gov/hubzone

Mentor Protégé: sba.gov/mpp

The screenshot shows the SBA.gov website page for "Contracting assistance programs". The page has a navigation bar with links for Business Guide, Funding Programs, Federal Contracting, Learning Platform, Local Assistance, and About SBA. The breadcrumb trail is Home > Federal Contracting > Contracting assistance programs. The main heading is "Contracting assistance programs" with a sub-heading: "The federal government uses special programs to help small businesses win at least at 23% of all federal contracting dollars each year." Below this is a section titled "Contracting assistance program benefits" which lists several programs and their benefits. The programs listed are: Small Disadvantaged Business, Women-Owned Small Business Federal Contract program, Veteran contracting assistance programs, 8(a) Business Development program, SBA Mentor-Protégé program, Joint ventures, 7(j) Management and Technical Assistance program, HUBZone program, and Natural Resource Sales Assistance program. Each program card includes a brief description and a button to learn more or apply.

Business Guide ▾ Funding Programs ▾ Federal Contracting ▾ Learning Platform ▾ Local Assistance ▾ About SBA ▾

Home > Federal Contracting > Contracting assistance programs

Contracting assistance programs

The federal government uses special programs to help small businesses win at least at 23% of all federal contracting dollars each year.

Contracting assistance program benefits

SBA provides several programs to help small businesses win federal contracts. Participating in these programs helps small businesses:

- Win a fair share of federal contracts
- Qualify for exclusive set-aside and sole-source contracts
- Partner with established contractors to win contracts
- Get business mentoring and education to learn how federal contracting works

<p>Small Disadvantaged Business</p> <p>Eligible businesses can self-certify and find opportunities at SAM.gov.</p> <p>Register as a Small Disadvantaged Business</p>	<p>Women-Owned Small Business Federal Contract program</p> <p>The federal government's goal is to award at least 5% of all federal contracting dollars to women-owned small businesses each year.</p> <p>Register as a Women-Owned Small Business</p>	<p>Veteran contracting assistance programs</p> <p>Learn about federal programs that help veteran-owned small businesses access federal contract awards and surplus personal property.</p> <p>Discover opportunities for veteran-owned small businesses</p>
<p>8(a) Business Development program</p> <p>Federal contracting and training program for experienced small business owners who are socially and economically disadvantaged.</p> <p>Learn more about 8(a) program certification</p>	<p>SBA Mentor-Protégé program</p> <p>Your small business can learn from an experienced government contractor through SBA's Mentor-Protégé program.</p> <p>Apply to be a Mentor or Protégé</p>	<p>Joint ventures</p> <p>Joint ventures allow certain businesses to compete together for government contracts reserved for small businesses.</p> <p>Learn more about joint ventures</p>
<p>7(j) Management and Technical Assistance program</p> <p>Educational assistance for eligible businesses to help them be competitive for federal, state, and local government contracts.</p> <p>Learn more about the 7(j) program</p>	<p>HUBZone program</p> <p>The HUBZone program fuels small business growth in historically underutilized business zones with a goal of awarding at least 3% of federal contract dollars to HUBZone-certified companies each year.</p> <p>Apply to get certified as a HUBZone</p>	<p>Natural Resource Sales Assistance program</p> <p>The government sells large amounts of natural resources and surplus property. SBA works with federal agencies to channel a fair share to small businesses.</p> <p>Take advantage of government property sales and leases</p>



**Thank you for your leadership and support
to grow the small business footprint in the federal marketplace**

Questions?

Email SBA at
8aQuestions@sba.gov

For “8(a) Offer & Acceptance”
assistance email to
OMTA@sba.gov