

# **Subpart 5119.8 - Contracting with the Small Business Administration (The 8(a) Program)**

**Parent topic:** [Part 5119 - Small Business Programs](#)

## **5119.803 Selecting acquisitions for the 8(a) program.**

(a) The Associate Director, U.S Army Office of Small Business Programs, shall respond directly to general search letters from SBA. The Associate Director, U.S. Army Office of Small Business Program may further delegate this function to the small business specialists at contracting activities.

(b) The contracting officer, in coordination with the small business specialist, shall respond to SBA requests for a specific requirement either by offering the requirement to the 8(a) program or by explaining to the SBA the rationale for not offering the requirement to the 8(a) program (see 5119.804-2).

(c) Where a number of requirements are being offered to SBA for planning purposes, associate directors, Army Small Business Programs or their designated small business specialist must identify the requirements to SBA. Specific individual requirements shall be offered in accordance with 5119.804-2(a).

## **5119.804 Evaluation, offering, and acceptance.**

### **5119.804-2 Agency offering.**

(a) The contracting office must notify the SBA and contracting activity small business specialist of agency offering. The notification commits the Army to negotiating with the SBA.

(14) The contracting officer must coordinate noncompetitive 8(a) offerings with a total estimated contract value above the thresholds in FAR 19.805-1(a)(2) with the local competition advocate, who will review the technical requirements to ensure that they are not overly restrictive.

## **5119.808 Contract negotiation.**

### **5119.808-1 Sole source.**

(a) The contracting activity must notify the contracting activity small business specialist of the intent to proceed with the acquisition if it exceeds \$100 million and the requesting agency has completed a justification in accordance with the requirements of FAR 6.303-1(b).

(b) When direct negotiation with an 8(a) subcontractor does not proceed satisfactorily, the contracting officer must ask the SBA to enter negotiations promptly to expedite the award.

## **5119.810 SBA appeals.**

(b) Process appeals in accordance with 5119.505.

## **5119.812 Contract administration.**

(c)(i) The contracting officer must promptly notify the SBA of subcontractor performance deficiencies. The contracting officer must promptly report to the SBA any indication that the subcontractor requires technical or management assistance and document the file accordingly.

(ii) If the SBA fails to act in a timely manner to help the subcontractor take corrective action, the contracting officer must report this failure to the Associate Director, U.S. Army Office of Small Business Programs with a recommendation for action. If the associate director cannot resolve the matter, he or she will refer the matter to the Director, U.S. Army Office of Small Business Programs.

## **5119.815 Release and notification requirements for non-8(a) procurement.**

(a) Where a procurement is awarded as an 8(a) contract, its follow-on or renewable acquisition shall remain in the 8(a) program unless-

(1) SBA agrees to release it, in accordance with 13 CFR § 124.504(d), FAR 19.815, and the DoD and SBA Partnership Agreement.

(2) Follow-on or renewable acquisitions can transition from a stand-alone 8(a) acquisition to There is a mandatory source in accordance with FAR 19.815.

## **5119.816 Exiting the 8(a) program.**

(b) The head of the contracting agency shall make the determination as set forth in FAR 19.816(b). See Appendix GG for further delegation.

## **5119.890 Notification of award.**

Immediately after award of any 8(a) contract, the contracting officer must notify the contracting activity small business specialist and the cognizant SBA office. Notification will include the 8(a) firm's name, address, CAGE code, a description of the supplies or services, the quantity, dollar value, date of award and contract number.