

# **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 AFARS 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 AFARS 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 contracting activity local competition advocate, who will review the technical requirements to ensure the requirements are not overly restrictive.

## **5119.808 Contract negotiation.**

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

(a) The Contracting officer 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) contractor 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 AFARS 5119.505.

## **5119.812 Contract administration.**

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

(ii) If the SBA fails to act in a timely manner to help the contractor take corrective action, the Contracting officer must report this failure to the AD with a recommendation for action. If the AD cannot resolve the matter, he or she will refer the matter to the Director, HQDA, OSBP.

(d)(i) The Contracting officer must notify the AD and the cognizant small business specialist, if an 8(a) contractor to which a contract was awarded transfers ownership or control of the firm or if the contract is transferred for any reason to another firm and a termination for convenience or waiver approval is pending.

(ii) The Assistant Secretary of the Army (Acquisition, Logistics and Technology) is the approving authority under this section for a waiver request to be submitted to the SBA. See [Appendix GG](#) for further delegation.

## **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 renewal acquisition shall remain in the 8(a) program unless-

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

(2) Follow-on or renewal acquisitions can transition from a sole source 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, Unique Entity ID, CAGE code, a description of the supplies or services, the quantity, dollar value, date of award and contract number.