



U.S. SMALL BUSINESS ADMINISTRATION
WASHINGTON METROPOLITAN AREA DISTRICT OFFICE
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WASHINGTON, DC 20043-4500
202-606-4000, extension 314, 202-481-0491 (FAX)
www.sba.gov/dc

May 12, 2004

OFFICES OF SMALL AND DISADVANTAGED
BUSINESS UTILIZATION SPECIALISTS (OSDBUS)

Dear Directors:

The Washington Metropolitan Area District Office (WMADO), 8(a) Business Development (BD) Program is committed to providing outstanding customer service to our federal and private sector clients. As such, we have instituted improved procedures to process your offering letters for award under the 8(a) BD Program.

As we are aware, under the Partnership Agreement(s), SBA is required to issue an acceptance letter or a rejection notice within five (5) working days upon receipt for sole source and competitive procurements, and two (2) working days after receipt for Simplified Acquisitions Procedures, unless SBA requests and the procuring activity grants an extension. We also realize that acceptance is assumed after those timeframes. However, SBA would like to avoid your making awards to 8(a) participants who may not be in compliance at the time that you submit your offering letter, because you were unable to wait for SBA's response. This letter should help to reduce any unnecessary post-award contract administration burdens.

Most of the offering letters received in the WMADO 8(a) BD Division, are **incomplete**, and are not in accordance with the Federal Acquisition Regulations (FAR), Part 19.8, and the SBA's 13 Code of Federal Regulations (CFR), Part 124.502, which provide guidelines to Contracting Officers on how an agency offers a procurement to SBA for award under the 8(a) BD Program. Offer letters with insufficient information require SBA to make telephone calls to the clients to obtain the information, therefore, impeding your procurement actions. SBA needs your assistance and support to ensure that this process is being met according to the Partnership Agreement(s), and to meet your acquisition timeframes. We have indicated below some of the prime areas in which we have encountered problems.

1) **All** offering letters and copies of Simplified Acquisition Procedures should be faxed to Ms. Loretta M. Taylor at (202) 481-4199, or e-mailed to; dcofferletters@sba.gov. Ms. Taylor manages all requirements received, and has a system which allows your letters to default to one of her Business Opportunity Assistants (BOA) if she is not at work or is unavailable. When you send your offering letters to other employees in the office, (i.e., other supervisors/managers, BOSs, or etc), who do not have a default system, your letters may not be seen for a couple of days or maybe even weeks because of that person's schedule, rendering it late getting to Ms. Taylor. Your letters should include a contact person's name, telephone and fax numbers, and an e-mail address if available. Many of the offering letters **do not contain** these numbers or an e-mail address. This forces SBA to try and find the person through your agency's locator, which is sometimes unsuccessful.

2) Your office should pay special attention to 13 CFR 124.502 ©(11) which require that the offering letters contain; "A statement that prior to the offering no solicitation for the specific acquisition has been issued as a small business set-aside....., and that no other public communication (such as a notice in the FedBizOpps) has been made showing the procuring activity's clear intent to use any of these means of procurement." Also, include a statement that this is a new offer to the 8(a) Program, or noting that this is a follow-on 8(a) contract.

Even though the requirement may be new to the 8(a) BD Program, it may not be new to the procuring activity. Therefore, please indicate if this project is or has been performed by a small business. There are some

circumstances which limit SBA's ability to accept a procurement for award as an 8(a) contract. If a small business is currently performing or has performed the contract, it **may be** possible that we would conduct an "**Adverse Impact**" analysis in accordance with 13 CFR 124.504 (c) (1) (i) (A) (B) (C) before acceptance. (Please Read This Section to See if it Applies to Your Procurement). If so the procuring agency must provide SBA the name and telephone number of the small business, and the agency's contract number under which the services or products are being or have been provided. Section (c) (2) (A) through (D) of the same regulations mentioned above, provide guidelines where an adverse analysis **would not** be required.

Our office will review all offers and contact you immediately within the required timeframe, to inform you of an incomplete package, and request an extension until all necessary documents are received, and simultaneously informing you if the 8(a) participant is in compliance. If a participant is not in compliance at the time of your submittal, and is not susceptible to becoming into compliance anytime in the immediate future, we will provide a listing of qualified 8(a) participants for your review, which allows you to conduct informal presentations and choose another firm.

We are encouraged that the above actions will assist us in providing timely customer service, and increase your use of the 8(a) BD program.

If you have any questions or suggestions please feel free to contact Ms. Loretta M. Taylor, Lead Business Opportunity Specialist at (202) 606-4000, extension 316. Alternates for Ms. Taylor are; Ms. Mary Harley at extension 321, and Ms. Canada McKee at 333.

PLEASE ENSURE THAT ALL OF YOUR CONTRACTING OFFICERS RECEIVE A COPY OF THIS LETTER

Sincerely,

Theodore A. Holloman
Deputy District Director/
ADD 8(a) BD