

Small Business Administration – 8(a) Program

This Purchase Order has been awarded in accordance with the program established in Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) and the Memorandum of Understanding (MOU) between the U.S. Small Business Administration (SBA) and the U.S. Department of Health and Human Services (HHS) effective October 23, 2012 until amended. The following clauses are hereby incorporated and made a part of this Purchase Order.

FAR Clause 52.219-18, NOTIFICATION OF COMPETITION LIMITED TO ELIGIBLE 8(a) CONCERNS (June 2003) **with ALTERNATE FOR ACQUISITIONS UNDER FAR 19.800 (Deviation)** (HHS/SBA PA – October 23, 2012 until amended)

- (a) Offers are solicited only from small business concerns expressly certified by the Small business Administration (SBA) for participation in the SBA's 8(a) Program and which meet the following criteria at the time of submission of offer—
 - (1) The Offeror is in conformance with the 8(a) support limitation set forth in its approved business plan; and
 - (2) The Offeror is in conformance with the Business Activity Targets set forth in its approved business plan or any remedial action directed by the SBA.
- (b) By submission of its offer, the Offeror represents that it meets all of the criteria set forth in paragraph (a) of this clause.
- (c) Any award resulting from this solicitation will be made directly by the Contracting Officer to the successful 8(a) offeror selected through the evaluation criteria set forth in this solicitation.)
- (d) **Agreement.**
 - (1) A small business concern submitting an offer in its own name agrees to furnish, in performing the contract, only end items manufactured or produced by small business concerns in the United States. The term "United States" includes its territories and possessions, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia. If this procurement is processed under simplified acquisition procedures and the total amount of this contract does not exceed \$25,000, a small business concern may furnish the product of any domestic firm. This subparagraph does not apply in connection with construction or service contracts.
 - (2) The _____ [INSERT THE NAME OF SBA's CONTRACTOR] will notify the _____ [INSERT NAME OF CONTRACTING AGENCY] Contracting Officer in writing immediately upon entering an agreement (either oral or written) to transfer all or part of its stock or other ownership interest to any other party.

****** (Note to Purchasing Agent/Contract Specialist: The following Alternate is applicable when competition is limited to 8(a) concerns within one or more specific SBA District(s)/Region(s) pursuant to 19.804-3. If not applicable, delete before attaching to purchase order.) ******

ALTERNATE I, (April 2005) is added to **FAR Clause 52.219-18, NOTIFICATION OF COMPETITION LIMITED TO ELIGIBLE 8(a) CONCERNS** (June 2003) as follows:

(a) (3) The offeror's approved business plan is on the file and serviced by _____ [CONTRACTING OFFICER INSERTS THE APPROPRIATE SBA DISTRICT AND/OR REGIONAL OFFICE(S) AS IDENTIFIED BY THE SBA].

****** (Note to Purchasing Agent/Contract Specialist: The following Alternate is applicable if this Purchase Order is for a product in a class for which the SBA has waived the NonManufacture Rule. If not applicable, delete before attaching to purchase order.) ******

ALTERNATE II (December 1996) is added to **FAR Clause 52.219-18, NOTIFICATION OF COMPETITION LIMITED TO ELIGIBLE 8(a) CONCERNS** (June 2003) as follows:

When the acquisition is for a product in a class for which the Small Business Administration has determined that there are no small business manufacturers or processors in the Federal market in accordance with 19.502-2(c), delete paragraph (d)(1).

FAR Clause 52.219-70XX, SECTION 8(a) DIRECT AWARD (HHS/SBA PA- October 23, 2012 until amended)

(a) This contract is issued as a direct award between the contracting activity and the 8(a) contractor pursuant to the Partnership Agreement between the Small Business Administration (SBA) and the [INSERT AGENCY NAME]. SBA does retain responsibility for 8(a) certification, 8(a) eligibility determinations and related issues, and providing counseling and assistance to the 8(a) contractor under the 8(a) program. The cognizant SBA district office is: _____ [INSERT APPROPRIATE COGNIZANT SBA DISTRICT OFFICE.].

****** (Note to Purchasing Agent/Contract Specialist: Insert the appropriate cognizant SBA District Office above.) ******

(b) The contracting activity is responsible for administering the contract and taking any action on behalf of the Government under the terms and conditions of the contract. However, the contracting activity shall give advance notice to the SBA before it issues a final notice terminating performance, either in whole or in part, under the contract. The contracting activity shall also coordinate with SBA prior to processing any novation agreement. The contracting activity may assign contract administration functions to a contract administration office.

(c) The contractor agrees:

- (1) to notify the Contracting Officer, simultaneous with its notification to SBA (as required by SBA's 8(a) regulations), when the owner or owners upon whom 8(a) eligibility is based plan to relinquish ownership or control of the concern. Consistent with 15 U.S.C. 637 (a)(21), transfer of ownership or controls shall result in termination of the contract for convenience, unless SBA waives the requirement for termination prior to the actual relinquishing of ownership and control.
- (2) it will adhere to the requirements of 52.219-14, Limitations on Subcontracting.