



USAID
FROM THE AMERICAN PEOPLE

USAID Procedures for Partnership Agreement Between SBA and USAID for Expedited 8(a) Awards

A Mandatory Reference for ADS Chapter 302

Reference Issuance Date: 07/03/2012
Policy Issuance Date: 04/16/2007
Responsible Office: M/OAA/P
File Name: 302mbg_070312

This Policy Notice informs USAID acquisition personnel that 1. the U.S. Small Business Administration (SBA) and USAID have entered into the attached Partnership Agreement (PA) to expedite the award of 8(a) contracts and purchase orders and 2. the authority to obligate USAID with these acquisition instruments has been re-delegated to USAID Contracting Officers and Executive Officers.

Actions Required When Utilizing the PA:

- a. Carry out the USAID responsibilities on pages 5-8 of the attached PA, Items IV.B. 1.-3. and 5.-23. and V., and
- b. Take the training prescribed below prior to utilizing the PA.

BACKGROUND:

USAID and SBA had entered into a PA for expediting prime contract awards and purchase orders that are made under Section 8(a) of the Small Business Act and procedures for using the PA were addressed under AAPD 04-12. That PA expired September 30, 2006, and it has been succeeded by one executed January 16, 2007. In the interim, SBA informally accepted offerings under the terms of the expired PA.

GUIDANCE:

Utilization of the PA is recommended, but not required, for 8(a) contracting actions. It covers the basic procedures for expediting prime contracts and purchase orders that are awarded under Section 8(a) of the Small Business Act.

Delegation: In the PA, SBA delegates to USAID SBA's authority* to enter into 8(a) prime contracts and purchase orders. The attached delegation of authority re-delegates this authority to all USAID Contracting Officers and Executive Officers, up to the dollar limits of their respective warrants and subject to the terms of the PA.

Summary of Partnership Agreement: The term of the PA covers the period January 16, 2007 through September 30, 2009. It encompasses all competitive and non-competitive acquisitions offered by USAID and accepted by the SBA into the 8(a) program.

FAR 19.804-2 and the PA's paragraph IV.B. contain the offering procedures for submitting the offering letter to the appropriate SBA office. When you have identified an 8(a) participant to perform the contract (other than a construction contract), submit the offering letter to the SBA District Office serving its geographical area. The addresses of SBA District Offices may be found at:

<http://www.sba.gov/localresources/index.html>

When an 8(a) participant has not been identified (other than for a construction contract), submit the offering letter as follows:

1. USAID/W contracting offices:

To SBA Washington Metropolitan Area District Office:

Attn: Loretta Taylor
U.S. Small Business Administration
Washington Metropolitan Area District Office
740 15th Street NW, Suite 300
Washington, D.C. 20005

Phone: (202) 272-0345
FAX: (202) 481-0398
E-mail: loretta.taylor@sba.gov

2. Mission contracting offices:

To SBA Headquarters:

Deputy Associate Administrator for
Government Contracting and Business Development
U.S. Small Business Administration
409 3rd Street, SW, Room 8000
Washington, DC 20416

Phone: (202) 205-6459
FAX: (202) 481-5547
E-mail: <mailto:sheila.thomas@sba.gov>

We do not anticipate any construction contracting requirements in the United States being conducted under the PA, but in the event that one arose, submit it to the SBA District Office covering the location of the construction site. Submit any Non-U.S. construction contracting requirements under the PA to the above SBA Headquarters address.

Provide a copy of all offering letters and purchase orders to OSDBU (E-mail: osdbu@usaid.gov) when they are transmitted to SBA.

The PA revises the SBA acceptance procedures:

1. It shortens the timeframe for SBA's acceptance or notification of rejection in FAR 19.804-3 from ten (10) to five (5) working days of receipt of an offering letter. This current agreement contains the provision, not contained in the former one, that

acceptance of USAID's offering letter may be assumed on the sixth working day if a notice of rejection is not received by the fifth working day (see PA IV.A.3.(a)ii and (b)ii).

2. No offering letter is required for simplified acquisitions, but the purchase order must delay the beginning of performance for at least two working days, and you must furnish a copy of this documentation to SBA immediately (see PA, IV.A.3.(c)). Absent receipt of a negative determination from SBA, acceptance of a simplified acquisition may be assumed after two (2) working days from its receipt of a signed purchase order.

Review all the RESPONSIBILITIES in Section IV and the procedures for CONTRACT EXECUTION in Section V. SBA's responsibilities are covered in paragraph IV.A., while USAID's responsibilities are in paragraph IV.B. USAID's responsibilities fall on the Contracting Officer or Executive Officer, entirely or in cooperation with the OSDBU-- except for re-delegating authority, in IV.B.4., and OSDBU's responsibility, in IV.B.4.24., not to count unaccepted offers in USAID's reports on 8(a) business development goals.

Training for Using the Partnership Agreement: SBA requires that USAID acquisition personnel take its training prior to using the new agreement and has scheduled monthly training classes through December 2007 that are listed in the Training Schedule attachment.

Contact Ms. Melinda Edwards, Phone: (202)619-1843, E-mail: <mailto:melinda.edwards@sba.gov>, to pre-register for one the scheduled sessions. Provide the following information: name, email address, phone number, agency name, and mailing address (for training certificate).

The preferred means of taking the training is through teleconferencing arrangements, utilizing simultaneous online and telephone connections. At 8:30 AM, Washington, DC time, on the date for which you have registered:

1. On-line participation:

- a. Login at: www.readytalk.com to view a slide presentation
- b. Enter access code: 2770107
- c. Submit the participant registration information requested; and

2. Telephone (two-way) participation:

- a. Dial (toll free) (866) 740-1260
- b. Enter access code 2770107 and the # sign when prompted.

With team leader/supervisor approval, acquisition personnel may also schedule on-site attendance in one of the sessions at:

U.S. Small Business Administration
409 3rd Street, SW

Eisenhower Conference Room, 2nd Floor
Washington, DC 20416

On-site attendance is limited to 30 persons per session.

A recorded audio/slide presentation is available at:

<https://cc.readytalk.com/play-id=ggvjiz8d>

Upon completion of the scheduled training session, participants will be given a certificate of completion. Participants taking the recorded training may self-certify completion and request a certificate by emailing <mailto:melinda.edwards@sba.gov>.

To be given credit for the training in the official personnel record, direct-hire participants will send a copy of the certificate as follows:

Civil Service Personnel:
M/HR/CSP, RRB 2.08-110B, or
E-mail: salbritton@usaid.gov

Foreign Service Personnel:
M/HR/POD/FS, RRB 2.08-192, or
E-mail: gbutler@usaid.gov

M/HR will acknowledge receipt and posting of the record.

Personal services contractors will provide a copy of the certificate to their contracting officer for inclusion in the personal services contract file.

POINTS OF CONTACT:

Please direct concerns with the procedures addressed in the Partnership Agreement to:

Ms. Sharon Jones-Taylor, OSDDBU
E-mail: sjones-taylor@usaid.gov, Phone: (202) 712-0119

Please direct concerns with the issuance of this Notice to:

Mr. Kenneth Monsess, M/OAA/P
E-mail: <mailto:kmonsess@usaid.gov>, Phone: (202) 712-4913

PARTNERSHIP AGREEMENT
Between
The U.S. Small Business Administration
and
The U.S. Agency for International Development

Sections 7(j) and 8(a) of the Small Business Act (the Act) (15 U.S.C. §§ 636 (j) and 637(a)) authorize the U. S. Small Business Administration (SBA) to establish a business development program, which is known as the 8(a) Business Development Program or 8(a) BD program. The 8(a) BD program promotes the development of small business concerns owned and controlled by socially and economically disadvantaged individuals so that such concerns can compete in the mainstream of the American economy. 15 U.S.C. § 631(f)(2). Small business development is accomplished by providing various forms of management, technical, financial and procurement assistance. Additionally, pursuant to Section 8(a) of the Act, SBA is authorized to enter into all types of contracts with other Federal agencies and to contract the performance of these contracts to qualified Participants in the 8(a) BD program. 15 U.S.C. § 637(a).

I. PURPOSE

The purpose of this Partnership Agreement (PA) between SBA and the U.S. Agency for International Development is to delegate SBA's contract execution functions to the U.S. Agency for International Development per the requirements of 13 C.F.R. § 124.501. This PA sets forth the delegation of authority and establishes the basic procedures for expediting the award of 8(a) contract requirements. This PA replaces all terms and conditions of any previously executed Memorandum of Understanding (MOU) or PA with the U.S. Agency for International Development or subordinate agencies on the issue of expediting the award of requirements pursuant to Section 8(a) of the Act.

Failure to sign this PA will require the U.S. Agency for International Development to utilize the prescribed processes to contract with the SBA as stated in the Federal Acquisition Regulation (FAR) Subpart 19.8.

II. OBJECTIVES

- A. To delineate the responsibilities as they relate to the oversight, monitoring and compliance with procurement laws and regulations governing 8(a) contracts between SBA and the U.S. Agency for International Development;
- B. To establish the procedures for offer and acceptance between SBA and the U.S. Agency for International Development;
- C. To reduce the time between when the U.S. Agency for International Development's contracting office sends an offering letter to SBA and it

- D. receives SBA's decision regarding the contract offering to a maximum of five (5) working days;
- E. To emphasize that although SBA delegates the authority to sign contracts on its behalf, it remains the prime contractor on all 8(a) contracts and as such, must receive copies of the contract and any subsequent modifications;
- F. To eliminate SBA's review of contracts and purchase orders executed under the authority of this PA; and
- G. To establish uniform policies and procedures regarding application of purchase orders to the 8(a) contracting process.

III. SCOPE

This PA provides for the award of both contracts and purchase orders under the provisions of Section 8(a) of the Act as implemented by the FAR Subpart 19.8 and SBA's 8(a) BD program regulations found at 13 C.F.R. §124.

This PA encompasses all competitive and non-competitive acquisitions of requirements offered by the U.S. Agency for International Development contracting offices and accepted by SBA into the 8(a) BD program.

This PA applies to all SBA offices and all the U.S. Agency for International Development contracting offices, as defined in FAR § 2.101 and deemed appropriate by the head of the agency, as defined in FAR § 2.101, for the U.S. Agency for International Development.

IV. RESPONSIBILITIES

A. SBA

1. delegates to the U.S. Agency for International Development for re-delegation to all warranted U.S. Agency for International Development contracting officers, its authority under section 8(a)(1)(A) of the Act to enter into 8(a) prime contracts, and its authority under section 8(a)(1)(B) of the Act to arrange for the performance of such procurement contracts by eligible 8(a) Participants. In accordance with 13 C.F.R. §124.501(a), SBA delegates its 8(a) contract execution function. SBA remains the prime contractor on all 8(a) contracts and the 8(a) Participant remains the SBA's subcontractor;
2. will implement its responsibilities under this PA through uniform procedures for use by all SBA offices;

3. shall review the U.S. Agency for International Development's offering letters, issue acceptance or rejection letters, and make eligibility determinations for award;
 - (a) Sole source procurements.
 - i. SBA will issue either an acceptance letter or rejection letter within five (5) working days of receipt of an offering letter.
 - ii. Absent a notification of rejection within five (5) working days of receipt of the offer, acceptance may be assumed on the sixth (6th) working day.
 - iii. Acceptance shall include a size verification and determination with respect to all elements of eligibility (i.e., determinations of adverse impact, North American Industry Classification System (NAICS) code appropriateness and program eligibility).
 - (b) Competitive acquisitions.
 - i. SBA will issue an acceptance letter or rejection letter within five (5) working days of receipt of an offering letter.
 - ii. Absent a notification of rejection within five (5) working days of receipt of the offer, acceptance may be assumed on the sixth (6th) working day.
 - iii. Within two (2) working days after a request from the contracting officer, SBA shall issue an eligibility determination for the apparent awardee or, in the case of a negotiated procurement, all firms in the competitive range, as prescribed by SBA's regulations at 13 C.F.R. § 124.507.
 - iv. In the case of a negotiated procurement, following receipt of initial offers including price, and within two (2) working days after a request from the contracting officer, SBA shall issue an eligibility determination for all firms in the competitive range, if discussions are to be conducted.
 - v. SBA will issue an eligibility determination for all firms with a realistic chance of award within two (2) working days after a request from the contracting officer, if no discussions are to be conducted.
 - (c) Simplified acquisition threshold.
 - i. SBA will review the program eligibility of the 8(a) Participant within two (2) working days after a request from the contracting officer. SBA's review is limited to program eligibility only.
 - ii. No offering or acceptance letter is required for requirements processed under the simplified acquisition procedures threshold.

- iii. Absent a notification that the selected 8(a) Participant is ineligible for the award within two (2) working days of receipt of the offer, the 8(a) Participant's eligibility to receive the award may be assumed on the third (3rd) working day.
4. shall review and approve all proposed joint venture agreements involving 8(a) Participants before contract award;
5. may provide 8(a) Participants with contract negotiation assistance or direct them to appropriate resources where they can obtain technical assistance in contract negotiations when requested by either the 8(a) Participant or the U.S. Agency for International Development contracting officer;
6. shall retain its appeal authority in accordance with FAR § 19.810;
7. shall retain the right to perform on-site contract agency reviews and audits to ensure compliance as stated in the SBA's Standard Operating Procedure (SOP) 80 05 3, Chapter 12: 8(a) Agency Review;
8. may identify a requirement for an 8(a) Participant for a possible award. SBA will submit capability statements to the appropriate procuring activities for the purpose of matching requirements consistent with the 8(a) Participants' capability;
9. shall retain the responsibility for ensuring that 8(a) Participants comply with all applicable provisions relating to continuing eligibility for 8(a) BD program participation per 13 C.F.R. § 124.211.
10. shall select an appropriate 8(a) Participant when the U.S. Agency for International Development submits an open offering letter for a sole source requirement; and
11. will issue a letter to the U.S. Agency for International Development's Office of Small and Disadvantaged Business Utilization, with a copy to the appropriate senior procurement executive (FAR Part 2, Subpart 2.101), identifying accepted requirements for which contract (to include any resultant modifications) award documents have not been received by the SBA district office.

B. The U.S. Agency for International Development:

1. shall receive and retain SBA's delegation of contract execution and review functions by reporting all 8(a) contract awards, modifications, and options to SBA until such time as the agreement expires or is terminated;
2. shall adhere to all provisions of contractual assistance identified in 13 C.F.R. §§ 124.501 through 124.520; as well as the applicable provisions of the FAR Subpart 19.8;
3. shall determine which requirements are suitable for offering to the 8(a) BD program in accordance with FAR Part 19, Subpart 19.8, and, where appropriate, identify in conjunction with the appropriate SBA servicing office, 8(a) Participants capable of performing these requirements;
4. shall inform contracting officers and other warranted officials who are awarding 8(a) contracts of their responsibilities concerning this agreement;
5. through the contracting officer or other warranted official, shall monitor and ensure 8(a) contract compliance requirements with applicable regulations as cited in FAR Parts 19, 42 and 52 and 13 C.F.R. Part 124;
6. shall include monitoring and oversight provisions for all SBA delegated authority contract awards, modifications, options and purchase orders to ensure that all contracts comply with the work performance requirements in accordance with FAR § 19.811-3(e) and 13 C.F.R. § 124.510;
7. shall request an eligibility determination from SBA's district office responsible for servicing the selected 8(a) Participant when an 8(a) Participant has been identified on all simplified acquisitions under \$100K prior to issuance of the purchase order;
8. shall ensure that all contracting officers, small business specialists, etc. participate in 8(a) BD program contract training when conducted by the SBA;
9. shall submit the offering letter for sole source requirements exceeding the simplified acquisition threshold of \$100K to SBA's district office

responsible for servicing the selected 8(a) Participant, when an 8(a) Participant has been identified;

10. shall submit an open offering letter for sole source requirements to the SBA district office that services the geographical area where the U.S. Agency for International Development's contracting activity is located, when the U.S. Agency for International Development has not identified a specific 8(a) Participant for a requirement;
11. shall submit the offering letter for competitive 8(a) requirement to the SBA district office that services the geographical area where the U.S. Agency for International Development's contracting activity is located. Exceptions: the offering letters for construction work will be sent to the SBA district office located in the geographical area where the work will be performed, or, in the case of construction contracts to be performed overseas, offering letter shall be submitted to SBA's Headquarters;
12. shall submit a request for eligibility determination to the SBA district office servicing the apparent awardee. In the case of a negotiated procurement, following receipt of initial offers including price, the contracting officer may request an eligibility determination for all firms in the competitive range, if discussions are to be conducted. The eligibility determination requests shall be sent to the SBA offices servicing those firms in the competitive range;
13. shall submit competitive 8(a) requirements and sole source requirements for which no specific 8(a) Participant had been nominated to the SBA district office servicing the geographical area in which the procuring activity is located;
14. shall submit competitive and open construction requirements to the SBA district office serving the geographical area in which the work is to be performed or in the case of overseas contracts to the Office of 8(a) Business Development located at SBA Headquarters;
15. shall retain responsibility for compliance with all applicable provisions of the FAR and any the U.S. Agency for International Development regulations, unless a deviation is obtained;
16. shall provide a copy of any contract, as defined in FAR § 2.101, including basic contracts, orders, modifications, and purchase orders, executed under this PA to the SBA servicing district office within 15 working days of the date of award;

17. shall provide a signed copy of the purchase order to the SBA servicing office within 15 days of the award;
18. shall request an eligibility determination prior to final award in all 8(a) competitive acquisitions;
19. shall retain the option to use tripartite procedures to award 8(a) contracts and purchase orders to 8(a) Participants as specified in FAR Subpart 19.8;
20. shall ensure that all contracts awarded pursuant to this PA contain provisions that:
 - (a) require SBA's approval of novation agreements submitted by the 8(a) Participant; and
 - (b) require advance notice to SBA (as the prime contractor) prior to issuance of a final notice terminating the contract in whole or in part;
21. shall ensure that all NAICS codes for all 8(a) contracts are applied in accordance with FAR § 19.102;
22. shall add language to every contract stating that, even though SBA may not be identified in section A of the contract, it is still the prime contractor on the contract;
23. shall provide all proposed joint ventures involving 8(a) Participants to SBA for approval before contract(s) award; and
24. cannot use contracts that have not been offered to and accepted by SBA into the 8(a) BD program for the U.S. Agency for International Development's 8(a) negotiated goals.

V. CONTRACT EXECUTION

The U.S. Agency for International Development contracting officer may make direct award of a contract to the 8(a) Participant, but only after the requirement has been offered to and accepted by SBA. Acquisitions that employ the simplified acquisition procedures authorized by FAR Part 13, limited to the simplified acquisition threshold, as defined in FAR § 2.101, require no offer or acceptance letter; however, a program eligibility determination of the selected 8(a) Participant from SBA is required. Contract execution shall be on the appropriate form specified in the FAR or the U.S. Agency for International Development regulation. The "Issued by" block shall identify the awarding the U.S. Agency for International Development office. The SBA district office for the 8(a)

Participant shall be identified in the award document. The 8(a) Participant's name and address shall be listed as the contractor. The U.S. Agency for International Development's contracting activities are responsible for issuing procurement instrument identification numbers. SBA will not issue subcontract numbers.

VI. TERM

This PA will take effect as soon as SBA and the U.S. Agency for International Development have signed it. It will remain in effect until September 30, 2009.

VII. AMENDMENT

This PA may be amended, in writing, at any time by mutual agreement of the parties.

VIII. TERMINATION

Either SBA or the U.S. Agency for International Development may terminate this PA upon 30 calendar days advance written notice to the other party.

IX. CONDITIONS

- A. Contracts that have not been offered to and accepted by SBA into the 8(a) BD program cannot be used for the U.S. Agency for International Development's 8(a) negotiated goals.
- B. SBA reserves the option to suspend or rescind the authority of this PA with the U.S. Agency for International Development for failure to submit copies to SBA of award and modification documents within 15 working days of award, failure to adequately monitor 8(a) contract compliance requirements, or if the U.S. Agency for International Development otherwise fails to follow the terms of this PA.

X. ADMINISTRATION

For The U.S. Agency for International Development:

Sharon Jones-Taylor
Office of Small and Disadvantaged Business Utilization
1300 Pennsylvania Ave., NW, RM 7.8 RRB
Washington, DC 20523-7800
(202) 712-0119
(202) 216-3056


For SBA:

Jacqueline B. West
Assistant Administrator for Program Review
Office of Business Development
409 3rd Street, SW
Washington, DC 20416
(202) 205-7581
(202) 481-4527

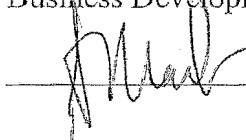
XI. ACCEPTANCE

Authorized by and on behalf of their respective agencies, the undersigned parties hereby accept the terms and conditions of this agreement.

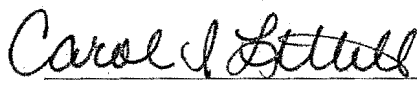
Marilyn S. Marton
Director, Office of Small and Disadvantaged Business Utilization
The U.S. Agency for International Development


Date 12/11/2006

Anthony Martoccia
Associate Deputy Administrator for
Government Contracting and
Business Development


Date DEC 08 2006

Carol Littell
Acting Associate Administrator for
Strategic Alliances


Date 1-16-07



USAID
FROM THE AMERICAN PEOPLE

Delegation of Authority to Utilize the
SBA-USAID Partnership Agreement

The U.S. Small Business Administration (SBA) and USAID have entered a Partnership Agreement that was executed January 16, 2007. In the agreement, SBA delegates to USAID SBA's authority* to enter into 8(a) prime contracts and purchase orders. AIDAR 701.601(a)(1) designates the Director of the Office of Procurement (now Office of Acquisition and Assistance) to act as "head of the Agency" for the purpose of re-delegating this authority.

I hereby re-delegate the authority to enter into 8(a) prime contracts and purchase orders to all USAID Contracting Officers and Executive Officers, up to the dollar limits of their respective warrants and subject to the terms of the SBA-USAID Partnership Agreement. Unless the agreement is terminated prematurely, this authority is effective through September 30, 2009; and if the term of the agreement is extended, this re-delegation is likewise extended.

04/16/2007

Date

(signature on file)

Michael F. Walsh
Director, Office of
Acquisition and Assistance

* Section 8(a)(1)(A) of the Small Business Act

Training Schedule for Procuring Agencies on the Revised Partnership Agreement

The following schedule has been arranged and will remain standing, until further notified: The room can accommodate 30 attendees, classroom style.

Date	Time	Location
April 19	8:30- 11:30	Side A- Eisenhower Conference Room
May 10	8:30- 11:30	Side A- Eisenhower Conference Room
May 24	8:30- 11:30	Side A- Eisenhower Conference Room
June 7	8:30- 11:30	Side A- Eisenhower Conference Room
June 21	8:30- 11:30	Side A- Eisenhower Conference Room
July 19	8:30- 11:30	Side A- Eisenhower Conference Room
August 16	8:30- 11:30	Side A- Eisenhower Conference Room
September 20	8:30- 11:30	Side A- Eisenhower Conference Room
October 18	8:30- 11:30	Side A- Eisenhower Conference Room
November 15	8:30- 11:30	Side A- Eisenhower Conference Room
December 13	8:30- 11:30	Side A- Eisenhower Conference Room