





## HOW THE PROCESS WORKS

Federal Acquisition Regulations provide a seamless, efficient process for contracting with a Tribal 8(a) small business. You, the Customer Rep/COTR/COR, the SBA, and Glacier are the stakeholders—and each benefits from the ANC 8(a) set-aside. Here's how all the stakeholders interact:

Stakeholder	Action	Description
Customer Rep/COTR/COR	Establish Requirement and Prepare SOW	Government identifies a requirement that requires outside-agency support and drafts a preliminary Statement of Work (SOW)
Customer Rep/COTR/COR	Identify Glacier as Your 8(a) Source	The customer determines that Glacier's capabilities are a good fit for the requirement
Budget Officer	Authorize Funding	Once the Budget Officer has authorized funding, the 8(a) sole-source process can begin. (Partial funding can initiate the process)
Contracting Office	Offer Requirements to SBA	The Contracting Office emails a letter to the SBA
SBA	Accepts Requirement; Authorizes Agency to Conduct Negotiations	SBA approves Glacier's status, authorizes the agency to conduct negotiations
Contracting Office	Issues RFP to Glacier	Contracting Office issues the RFP to Glacier to begin negotiations on requirements, scope, deliverables, and price. Open negotiations are allowed throughout the procurement
Glacier	Submits Pricing Proposal	Glacier responds with a pricing proposal
Contracting Office, Glacier	Analyzes Proposal; Negotiates on Price	Negotiations are carried out between Contracting Office and Glacier
Contracting Office	Assembles Contract and Awards to Glacier	Contracting Office awards contract to Glacier

**GETTING STARTED** *It's a quick 4-step process requiring two to three weeks to complete:*

- 1 Draft a Sole Source Letter.** The process begins with a request to SBA to enter into negotiations with an 8(a) sole source. Have your Contracting Specialist draft the letter, which explains your intent to award a contract to Goldbelt Glacier Health Services and includes a brief description of the proposal.
- 2 Email the Letter to the SBA.** Send it to their office in \_\_\_\_\_ (see box at right). The SBA will perform a standard qualification review verifying Goldbelt Glacier's ability to receive 8(a) sole-source awards.
- 3 Receive SBA Notification.** Within a few days, the SBA office will reply that Goldbelt Glacier is approved to receive the sole-source contract.
- 4 Develop a SOW and Negotiate a Contract.** ANC 8(a) rules permit an open dialog between the sole-source contractor and the agency. Goldbelt Glacier will work with you every step of the way—defining requirements, scope, and deliverables, and negotiating the final contract.

## Absence of Sole Source Dollar Threshold Level

From the GPO Electronic Code of Federal Regulations e-CFR 41 U.S.C. 431a(c). Part 124, Subpart A, 8(a):

**"§124.506 At what dollar threshold must an 8(a) procurement be competed among eligible Participants?"**

(a) *Competitive thresholds.* (1) *The Federal Acquisition Regulatory Council (FAR Council) has the responsibility of adjusting each acquisition-related dollar threshold on October 1, of each year that is evenly divisible by five. Acquisition-related dollar thresholds are defined as dollar thresholds that are specified in law as a factor in defining the scope of the applicability of a policy, procedure, requirement, or restriction provided in that law to the procurement of property or services by an executive agency as determined by the FAR Council. 41 U.S.C. 431a(c). Part 124, Subpart A, 8(a) Business Development, contains acquisition-related dollar thresholds subject to inflationary adjustments. . . The FAR Council shall publish a notice of the adjusted dollar thresholds in the Federal Register. The adjusted dollar thresholds shall take effect on the date of publication.*

(2) *A procurement offered and accepted for the 8(a) BD program must be competed among eligible Participants if . . .*

(iii) *The requirement has not been accepted by SBA for award as a sole source 8(a) procurement on behalf of a tribally-owned or ANC-owned concern . . .*

**(b) Exemption from competitive thresholds for Participants owned by Indian Tribes, ANCs and NHOs.**

(1) *A Participant concern owned and controlled by an Indian Tribe or an ANC may be awarded a sole source 8(a) contract where the anticipated value of the procurement exceeds the applicable competitive threshold if SBA has not accepted the requirement into the 8(a) BD program as a competitive procurement.*

(2) *A Participant concern owned and controlled by an NHO may be awarded a sole source Department of Defense (DoD) 8(a) contract where the anticipated value of the procurement exceeds the applicable competitive threshold if SBA has not accepted the requirement into the 8(a) BD program as a competitive procurement.*

(3) *There is no requirement that a procurement must be competed whenever possible before it can be accepted on a sole source basis for a Tribally-owned or ANC-owned concern, or a concern owned by an NHO for to owned concern on a sole source basis . . ."*

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## Bibliography

### [Contracting With the Small Business Administration \(the 8\(a\) Program\) - 48 CFR Part 19 Subpart 19.8](#)

#### [8\(a\) Sole Sources - 48 CFR 19.800 \(b\):](#)

"(b) Contracts may be awarded to the SBA for performance by eligible 8(a) firms on either a sole source or competitive basis."

#### [Unsolicited Acquisition Opportunities – 48 CFR 19.803 \(c\):](#)

"(c) Agencies may also review other proposed acquisitions for the purpose of identifying requirements which may be offered to the SBA. Where agencies independently, or through the self-marketing efforts of an 8(a) firm, identify a requirement for the 8(a) Program, they may offer on behalf of a specific 8(a) firm, for the 8(a) Program in general, or for 8(a) competition (but see 19.800(e))."

#### [Single Approval for IDIQ's – 48 CFR 19.804-6 \(a\):](#)

"(a) Separate offers and acceptances must not be made for individual orders under multiple award, Federal Supply Schedule (FSS), multi-agency contracts or Government wide acquisition contracts. SBA's acceptance of the original contract is valid for the term of the contract."

### [SBA 8\(a\) Business Development Program – 13 CFR Part 124 Subpart A](#)

#### [Absence of Sole Source Dollar Threshold - 13 CFR 124.506 \(b\):](#)

"(b) Exemption from competitive thresholds for Participants owned by Indian Tribes, ANCs and NHOs.

(1) A Participant concern owned and controlled by an Indian Tribe or an ANC may be awarded a sole source 8(a) contract where the anticipated value of the procurement exceeds the applicable competitive threshold if SBA has not accepted the requirement into the 8(a) BD program as a competitive procurement."

#### [Economically Disadvantaged Status - 13 CFR 124.109\(a\)\(2\):](#)

"(2) An ANC that meets the requirements set forth in paragraph (a)(1) of this section is deemed economically disadvantaged under 43 U.S.C. 1626(e), and need not establish economic disadvantage as required by paragraph (b)(2) of this section."

#### [Non-Contested Awards - 13 CFR 124.517\(a\):](#)

"(a) The eligibility of a Participant for a sole source or competitive 8(a) requirement may not be challenged by another Participant or any other party, either to SBA or any administrative forum as part of a bid or other contract protest."

#### [\\$20M Sole Source Limit w/o J&A for DoD, GSA and NASA - Federal Register Volume 76, Issue 51:](#)

"Summary: DoD, GSA, and NASA are issuing an interim rule amending the Federal Acquisition Regulation (FAR) to implement section 811 of the National Defense Authorization Act for Fiscal Year 2010. This FAR change encourages agencies to maximize the effective use of competition by making certain that the proper Justification and Approval (J&A) is obtained prior to award of 8(a) sole-source contracts over \$20 million, as required by section 811."

#### [GAO Report Finding on ANC's - GAO-13-121:](#)

"GAO found that the corporations provide a wide variety of monetary and nonmonetary benefits to their shareholders and other Alaska Natives. Monetary benefits include shareholder dividends, elder benefits, scholarships, memorial benefits, shareholders' equity, and charitable donations. Nonmonetary benefits-- often offered in partnership with village corporations, tribal organizations, and nonprofit organizations within the region--include employment opportunities, cultural preservation, land management, economic development, and advocacy on behalf of Alaska Natives and their communities."

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