



Virtual Small Business Training Week 2021 August 17 - 19

Session Q&As

Day 1: Tuesday, August 17 @ 2:00pm – 3:00pm

Session: Small Business Administration Legislative and Regulatory Update

Q	I still have PCOs who maintain that a Facility Clearance must be in the JV entity's name vice accepting the Facility Clearance of one or both of the individual entities that make up the JV. I'm curious to hear your thoughts on this?
A	See GAO's decision in InfoPoint LLC, B-419856, Aug. 27, 2021, which rejected that idea.
Q	Are there any changes to 8a rules that affect identifying requirements under sole source?
A	None come to mind.
Q	Can they claim our base as their place of business?
A	See SBA's recent moratorium on the BFPOB requirement here: https://www.sba.gov/article/2021/aug/26/sba-announces-moratorium-bona-fide-place-business-requirements-8a-business-development-program
Q	"Requires SBA release for non-8(a) competition even where statutorily required" Does this Apply to AbilityOne?
A	Yes, that would apply to AbilityOne.
Q	Does the BPOB 15-day acceptance conflict with the FAR that requires acceptance within 5 days?
A	See SBA's recent moratorium on the BFPOB requirement here: https://www.sba.gov/article/2021/aug/26/sba-announces-moratorium-bona-fide-place-business-requirements-8a-business-development-program
Q	One question regarding AbilityOne and 8(a) BDP: Can AbilityOne overrule 8(a)?
A	AbilityOne is a required source under FAR 8.1, but I cannot think of a situation in which AbilityOne has overruled SBA's 8(a) program.

Q	How do we balance the push for more competition and inclusion of small business and the push for sole source 8(a) contracts?
A	I believe this was answered live—the sole-source authority gives 8(a) firms the opportunity to develop by performing contracts and provides them with past performance.
Q	What and where is the definition of low-income zones for the 8a certification?
A	The 8(a) program is not place-based, so location is not relevant.
Q	Can this presentation be scheduled as a full repeated presentation in one of the First Wednesday SBA Webinars? There is a ton of valuable information here that will benefit the entire acquisition community. Many are not present for this session today.
A	Yes, this is typically presented on First Wednesday once per year.

Questions Below Were Answered Live During the Presentation and Do Not Require an Additional Response

Q	when you are finished with this portion, are you able to provide quick synopsis on upcoming SBA Final Rule on Good Faith in Small Business Subcontracting; if this is not already one of your topics? I just read about this FR this morning.
Q	How are they being monitored and by who in the mentor protege program. How do we ensure that the small business is not harm in this program?
Q	If you remove the "Once 8(a) always 8(a) rule" I think you would actual see an increase in 8(a) use. Some contracting officers are worried about losing flexibility at recompute time on recurring requirements.
Q	When the SBA invoked the "bona-fided place of business" requirement for 8(a) Sole-Source construction contracts, the area of operation decreased and the O/H cost to compete increased for most 8(a) construction contractors. How can anyone say this change was in the best interest of the 8(a) Program? This hasn't always been the law or rule. 8(a) Competitive and 8(a) Sole-Sources have always had different rules for bona-fide place of business.
Q	I would love to do set-asides for 8(a)'s that are also WOSB or SDVOSB/HubZone etc.
Q	Would the HUBZone evaluation preference apply to an offeror who submitted as a "SB JV" and subsequently received HUBZone certification days prior to an award?
Q	Is there a report somewhere that identifies how many contracts under 4.5M/7.5M were awarded by Agencies to other than SB's and further if issued to SB's those awarded to other than 8a.
Q	Recommended you have your KO request the firm recertify just prior to award.
Q	I appreciate your historical reference to the 8(a) program from the 1960s and Affirmative Action. Since that time, the 8(a) qualification aperture has widened. With the onset of the coronavirus pandemic that disproportionately impacted Minority Owned Small Businesses, is there any discussion about focusing a socio-economic category for ONLY Minority Owned Small Businesses?
Q	Has there ever been consideration given to making the "Super 8(a)" firms (ANC, Tribal, NHO) their own category? It seems they are small in definition only and is not a level playing field with traditional 8(a) firms.
Q	Does SBA count the HUBZone's as low-income zones too?

Q	With the emphasis on increasing SDBs, are AbilityOnes, Minority Institutions, and/or HBCUs going to be included
Q	The DOI is currently requiring IEE and ISBEE preference for BIA and IHS contracts. Hopefully it will expand to all of DOI Departments. How is SBA working to support this preference. AND.. is there an IEE/ISBEE "certification" program in the future?