

JAN 11 2013




UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer
Assistant Secretary for Administration
Washington, D.C. 20230

PROCUREMENT MEMORANDUM 2013-04

ACTION

MEMORANDUM FOR: HEADS OF CONTRACTING OFFICES

FROM: Barry E. Berkowitz 
Senior Procurement Executive and
Director, Office of Acquisition Management

SUBJECT: Rescission of Procurement Memorandum 2013-03 and Issuance of Revised 8(a) Partnership Agreement between the Small Business Administration and Department of Commerce

Introduction

This Procurement Memorandum (PM) 2013-04 hereby rescinds PM 2013-03 dated November 7, 2012 and issues a revised Partnership Agreement between the U.S. Small Business Administration (SBA) and the Department of Commerce (DOC) delegating SBA's 8(a) contract execution authority to DOC. The revised Partnership Agreement (PA) reflects the following two changes:

- Page 8, Item 24 – language changed from, “cannot use contracts that have not been offered to and accepted by SBA into the 8(a) BD program as credit toward the U.S. Department of Commerce’s Small Disadvantaged Business (SDB) negotiated goals;” to
“awarded contracts to 8(a) firms outside the 8(a) authority will continue to be counted toward SDB negotiated goals.”
- Page 9, Item VIII – language changed from, “Contracts that have not been offered to and accepted by SBA into the 8(a) BD program cannot be used for the U.S. Department of Commerce’s Small Disadvantaged Business (SDB) negotiated goals.” to
“Contracts awarded to 8(a) firms outside the 8(a) authority will continue to be counted toward SDB negotiated goals.”

This Procurement Memorandum also provides a class deviation from Federal Acquisition Regulation (FAR) Subpart 19.8, Contracting with the Small Business Administration (The 8(a) Program) and applicable FAR Part 52 provisions and contract clauses.

This Partnership Agreement replaces the prior executed agreement identified in PM 2013-03 dated November 7, 2012 and will remain in effect unless otherwise amended, suspended or terminated as the PA has no expiration date.

Background

The PA delegates authority to the Senior Procurement Executive to award contracts, modifications, options and purchase orders under the provisions of Section 8(a) of the Small Business Act as implemented in FAR Subpart 19.8. The Senior Procurement Executive has

authorized a class FAR deviation (Attachment B) from sections of FAR Subpart 19.8, and FAR Part 52. Under the class deviation, the authority to enter into 8(a) prime contracts and purchase orders is re-delegated to Contracting Officers.

The new PA encompasses increased monitoring, oversight and compliance with procurement laws and regulations governing 8(a) contracts between SBA and DOC as well as establishes basic procedures for expediting the award of 8(a) contract requirements.

When awarding 8(a) contracts and purchase orders, Contracting Officers shall operate in accordance with the terms and conditions of the PA and fully utilize streamlined procedures. Contracting Officers shall also review and comply with responsibilities and procedures for 8(a) awards as outlined in the PA and work closely with their respective Bureau Small Business Specialists and the Office of Small and Disadvantaged Business Utilization (OSDBU).

The PA contains procedures for submitting an offering letter to the appropriate SBA office. The SBA District offices may be found at <http://www.sba.gov/localresources/index.html>. In addition to submitting the offering letters to SBA district offices, Contracting Officers shall also provide a copy of all offering letters to the OSDBU at ldesmukes@doc.gov.

Actions Required

- Under this delegated authority, Contracting Officers shall monitor and ensure 8(a) contract compliance requirements are in accordance with applicable regulations in FAR Parts 19, 42, 52, and 13 Code of Federal Regulation Part 124.
- Contracting Officers shall follow requirements in the PA and operate in accordance with the class deviation to sections of FAR Subpart 19.8 and provisions and contract clauses in FAR Part 52.
- Contracting Officers must make available upon request, any non-classified information in contract files awarded pursuant to Section 8(a) authority and the Partnership Agreement during SBA's on-site agency reviews.
- Contracting Officers shall report all 8(a) contract awards, modifications, options and purchase orders executed under this PA to the SBA servicing district office within 15 working days of the date of award.
- Contracting Officers shall also participate in a SBA-provided 8(a) Business Development training program. Acquisition personnel will be notified of upcoming training sessions.
- Ensure all 8(a) awards are accurately reported in the Federal Procurement Data System.

Please direct any questions regarding this Procurement Memorandum to Sherry Dames at: sdames@doc.gov or 202-482-4721 or LeJuene Desmukes at ldesmukes@doc.gov or 202-482-1472.

Attachments: (A) – Partnership Agreement
(B) – Class FAR Deviation