



Contracting with

**ASRC CONSTRUCTORS, INC.,
an ALASKA NATIVE CORPORATION**

SBA-8(a) Sole Source Procedures

ASRC CONSTRUCTORS, INC.

Contracting with an Alaska Native Corporation (ANC) is very simple. The following are the procedures for sole sourcing contracts to ASRC Constructors, Inc. an Alaska Native Corporation.

The "only" Small Business Administration office that is authorized to service an Alaska Native Corporation is the SBA - Anchorage, Alaska office. Please contact Ms. Janet Johnson, Business Opportunity Specialist (BOS) regarding all sole source contracting concerns. Ms. Johnson can be contacted by one of the four following methods:

- 1st - Via mail - a sample letter is included.
- 2nd - Via email at janet.johnson@sba.gov
- 3rd - Via phone at 907.271.4857
- 4th - Via fax at 907.271.4545

The following exhibits include a Sample Agency SBA Offer letter and applicable FAR/CFR clauses:

- Exhibit 1 – Agency Offer Letter – Requests the procurement be accepted on behalf of ASRC Constructors, Inc. as a sole source award. (electronic copy enclosed).

Applicable FAR/CFR Clauses:

- Exhibit 2 – 19.804-2 – Agency Offering
- Exhibit 3 – 19.805 – Demonstrates justification for sole source ANC award;
- Exhibit 4 - 13CFR124.506 – Provides further justification for award to an ANC on a sole source basis;
- Exhibit 5 - 13CFR124.517 – Non-protestability information;
- Exhibit 6 - SBA Form 1353.2 – Gives justification as to why Anchorage office needs to be contacted and provides rationalization why an ANC company being awarded a sole source procurement does not need to have a bonafide office in the region.

Contact Information:

Craig Jackson, V. P. of Operations
ASRC Constructors, Inc.
22405 La Palma Avenue, Yorba Linda, CA 92887
cjackson@sanderseng.com
(714) 412-5040

ASRC CONSTRUCTORS, INC.

Today's Date

U.S. Small Business Administration
Alaska District Office
510 "L" Street, Suite 310
Anchorage, Alaska 99501

ATTENTION: Janet Johnson
Business Opportunity Specialist

SUBJECT: Name of the Project or the Name of the Contract

This office has identified a requirement to contact with the Small Business Administration for an emergency construction project, pending authorization, to upgrade utilities and supporting facilities located in City/County, State. The following information is provided in accordance with FAR Part 19.804-2, Agency Offering:

1. The requirement consists of the following:
 - a.
2. The estimated period of performance is days.
3. The NAICS Code that applies to the principal nature of this acquisition is .
4. The anticipated dollar value of this requirement is between \$ and \$.
5. The work will be performed in City/County, State.
6. Special Considerations.
7. The type of contract anticipated is a Sole Source Native Alaskan 8(a) Contract.
8. The acquisition history of this requirement is N/A.
9. This solicitation has not been synopsisized.
10. It is the opinion of this office that the best method of procurement for this project is through Section 8(a) of the Small Business Act. We recommend this procurement be a Sole Source Native Alaskan 8(a) to ASRC Constructors, Inc, located at 3900 "C" Street, Suite 303, Anchorage, Alaska 99503.
11. Bid bond is required: Yes No
- Performance and Payment Bonds will be required: Yes No

ASRC CONSTRUCTORS, INC.

12. N/A

13. N/A

14. N/A

15. N/A

16. Should you determine that the proposed procurement is suitable as a Sole Source 8(a) under Section 8(a) of the Act, we request you advise at telephone number or email.

17. Due to the sensitive and urgent nature of this project, it is requested that acceptance of this offer letter occur No Later Than (NLT) Date. Your prompt attention and response to this inquiry is greatly appreciated.

Name
Contracting Officer

ASRC CONSTRUCTORS, INC.

Small Business Administration FAR 19.804-2 Agency Offering.

(a) After completing its evaluation, the agency must notify the SBA of the extent of its plans to place 8(a) contracts with the SBA for specific quantities of items or work. The notification must identify the time frames within which prime contract and subcontract actions must be completed in order for the agency to meet its responsibilities. The notification must also contain the following information applicable to each prospective contract:

(1) A description of the work to be performed or items to be delivered, and a copy of the statement of work, if available.

(2) The estimated period of performance.

(3) The NAICS code that applies to the principal nature of the acquisition.

(4) The anticipated dollar value of the requirement, including options, if any.

(5) Any special restrictions or geographical limitations on the requirement (for construction, include the location of the work to be performed).

(6) Any special capabilities or disciplines needed for contract performance.

(7) The type of contract anticipated.

(8) The acquisition history, if any, of the requirement, including the names and addresses of any small business contractors that have performed this requirement during the previous 24 months.

(9) A statement that prior to the offering no solicitation for the specific acquisition has been issued as a small business or HUBZone set-aside and that no other public communication (such as a notice through the Governmentwide point of entry (GPE)) has been made showing the contracting agency's clear intention to set-aside the acquisition for small business or HUBZone small business concerns.

(10) Identification of any particular 8(a) concern designated for consideration, including a brief justification, such as-

(i) The 8(a) concern, through its own efforts, marketed the requirement and caused it to be reserved for the 8(a) Program; or

(ii) The acquisition is a follow-on or renewal contract and the nominated concern is the incumbent.

(11) Bonding requirements, if applicable.

(12) Identification of all known 8(a) concerns, including HUBZone 8(a) concerns, that have expressed an interest in being considered for the specific requirement.

(13) Identification of all SBA field offices that have asked for the acquisition for the 8(a) Program.

(14) A request, if appropriate, that a requirement with an estimated contract value under the applicable competitive threshold be awarded as an 8(a) competitive contract (see 19.805-1(d)).

(15) A request, if appropriate, that a requirement with a contract value over the applicable competitive threshold be awarded as a sole source contract (see 19.805-1(b)).

(16) Any other pertinent and reasonably available data.

(b)(1) An agency offering a construction requirement should submit it to the SBA District Office for the geographical area where the work is to be performed.

(2) Sole source requirements, other than construction, should be forwarded directly to the district office that services the nominated firm. If the contracting officer is not nominating a specific firm, the offering letter should be forwarded to the district office servicing the geographical area in which the contracting office is located.

(c) All requirements for 8(a) competition, other than construction, should be forwarded to the district office servicing the geographical area in which the contracting office is located. All requirements for 8(a) construction competition should be forwarded to the district office servicing the geographical area in which all or the major portion of the construction is to be performed. All requirements, including construction, must be synopsisized through the GPE. For construction, the synopsis must include the geographical area of the competition set forth in the SBA's acceptance letter.

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FAR 19.805 -- Competitive 8(a). **19.805-1 -- General.**

(a) Except as provided in paragraph (b) of this subsection, an acquisition offered to the SBA under the 8(a) Program shall be awarded on the basis of competition limited to eligible 8(a) firms if --

(1) There is a reasonable expectation that at least two eligible and responsible 8(a) firms will submit offers and that award can be made at a fair market price; and

(2) The anticipated total value of the contract, including options, will exceed \$5,000,000 for acquisitions assigned manufacturing North American Industry Classification System (NAICS) codes and \$3,000,000 for all other acquisitions.

(b) Where an acquisition exceeds the competitive threshold, the SBA may accept the requirement for a sole source 8(a) award if --

(1) There is not a reasonable expectation that at least two (2) eligible and responsible 8(a) firms will submit offers at a fair market price; or

(2) SBA accepts the requirement on behalf of a concern owned by an Indian tribe or an Alaska Native Corporation.

(c) A proposed 8(a) requirement with an estimated value exceeding the applicable competitive threshold amount shall not be divided into several requirements for lesser amounts in order to use 8(a) sole source procedures for award to a single firm.

(d) The SBA Associate Administrator for 8(a) Business Development (AA/8(a)BD) may approve an agency request for a competitive 8(a) award below the competitive thresholds. Such recommendations will be approved only on a limited basis and will be primarily granted where technical competitions are appropriate or where a large number of responsible 8(a) firms are available for competition. In determining whether a request to compete below the threshold will be approved, the AA/8(a)BD will, in part, consider the extent to which the requesting agency is supporting the 8(a) Program on a noncompetitive basis. The agency may include recommendations for competition below the threshold in the offering letter or by separate correspondence to the AA/8(a)BD.

ASRC CONSTRUCTORS, INC.

[Code of Federal Regulations]

[Title 13, Volume 1]

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TITLE 13--BUSINESS CREDIT AND ASSISTANCE

CHAPTER I--SMALL BUSINESS ADMINISTRATION

PART 124--8(A) BUSINESS DEVELOPMENT/SMALL DISADVANTAGED BUSINESS STATUS DETERMINATIONS--Table of Contents

Subpart A--8(a) Business Development

Sec. 124.**506** At what dollar threshold must an 8(a) procurement be competed among eligible Participants?

(b) Exemption from competitive thresholds for Participants owned by Indian tribes. SBA may award a sole source 8(a) contract to a Participant concern owned and controlled by an Indian tribe or an ANC 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. 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, but a procurement may not be removed from competition to award it to a tribally-owned or ANC-owned concern on a sole source basis.

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13 CFR Chapter 1 (1-10-01 Edition) Part 124 Page 327

§124.517 Can the eligibility or size of a Participant for award of an 8(a) contract be questioned?

- 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 another contract protest.
- b) The size status of the apparent successful offeror for a competitive 8(a) procurement may be protested pursuant to §121.1001(a)(2) of this chapter. The size status of a nominated Participant for sole source procurement may not be protested by another Participant or any other party.
- c) A Participant cannot appeal SBA's determination not to award it a specific 8(a) contract because the concern lacks an element of responsibility or is ineligible for the contract, other than the right set forth in § 124.501(h) to request a formal size determination where SBA cannot verify it to be small.
- d) (1) The SIC code assigned to a sole source 8(a) requirement may not be challenged by another Participant or administrative forum as part of a bid or contract protest. Only the AA/8(a) BD may appeal a SIC code designation with respect to a sole source 8(a) requirement.
(2) In connection with a competitive 8(a) procurement, any interested party who has been adversely affected by a SIC code designation may appeal the designation to SBA's OHA pursuant to § 121.1103 of this title.
- e) Anyone with information questioning the eligibility of a Participant to continue participation in the 8(a) BD program or for purposes of a specific 8(a) contract may submit such information to SBA under §124.112(c).

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SBA Form 1353.2 (12-93) Page _ of 5
Sole Source 8(a) Construction Requirements Where a Procuring Activity Nominates a Specific Participant

Which District Office Must be Offered Sole Source Construction Requirements When A Procuring Activity Nominates a Specific Participant?

The District Office servicing a nominated Participant must be offered the requirement when a procuring activity nominates a specific Participant for a sole source 8(a) construction requirement. 13 CFR, § 124.502(b) (3).

How will SBA Accept a Requirement Where a Procuring Activity Nominates a Specific Participant?

If a nominated Participant is eligible and an appropriate match exists, SBA will accept the requirement on behalf of the Participant. 13 CFR, § 124.503(c). **A nominated Participant is not required to have a bona fide place of business within any geographical boundary relative to where the work will be performed.** If a nominated Participant is not eligible or an appropriate match does not exist, SBA will notify the procuring activity. 13 CFR, § 124.503(c)(3). The procuring activity may then nominate an alternate Participant, or offer the requirement to SBA as an open source or competitive 8(a) requirement.