



Tribally-Owned  
Small Business



Phone: (703) 868-7386 | Email: jim@fedtribe.com | Address: 1054 Pocahontas Trail, King William, VA 23086

## What is the Small Business Administration 8(a) Program?



The SBA's 8(a) program is a business development program designed to assist socially and economically disadvantaged small businesses, including tribally owned enterprises. A tribally owned business concern is any business that is at least 51% owned by an Indian Tribe. The 8(a) program was developed to enable Federal Government program managers to save time, effort, and cost in the procurement process and to protect the interests of these small business concerns.

**FAR 19.808-1(a), FAR 6.302-5(b)(4), and FAR 19.303-1(b)** allow tribally owned 8(a) companies to receive no-bid direct-award contracts from the Department of Defense up to \$100M. These contracts cannot be protested by other resellers because they are not considered to be "interested parties." It is common for contracting offices to issue large Basic Ordering Agreements that can cover a variety of products. The task orders can then be quoted by the direct-award recipient as the individual needs arise. If the quotes are found to be technically acceptable and at a fair market price, the task order can be executed on. These Basic Ordering Agreements basically function like IDIQ contracts, with no hard requirement to order anything from the contract or at any quantity. These contracts simply act as a vehicle to speed up the procurement process when the direct-award recipient is found to have the right solution and price.

See CFR: [https://www.ecfr.gov/cgi-bin/text-idx?SID=ee1595e6b78f39b1563ab8a8440bc7cc&mc=true&tpl=/ecfrbrowse/Title13/13cfr124\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=ee1595e6b78f39b1563ab8a8440bc7cc&mc=true&tpl=/ecfrbrowse/Title13/13cfr124_main_02.tpl)

The Virginia-based **Pamunkey Indian Tribe** (made famous by Pocahontas) wholly owns a company called **FedTribe, LLC**, which has authority from the SBA to bid on these types of direct-award contract. Their contact information is below:

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| <p><b>FedTribe, LLC.</b></p> <p><b>Jim Cheng</b><br/> Cell Phone: 703.868.7386<br/> <a href="mailto:jim@fedtribe.com">jim@fedtribe.com</a><br/> <a href="http://www.fedtribe.com">www.fedtribe.com</a></p> | <p><b>SBA Direct-Award Contact Information:</b></p> <p><b>Igor Soares</b><br/> Richmond District Office<br/> Office: (804) 253-8134<br/> Cell: (202) 845-4247<br/> <a href="mailto:igor.soares@sba.gov">igor.soares@sba.gov</a><br/> Please send all offer letters to <a href="mailto:RDOfferLetters@sba.gov">RDOfferLetters@sba.gov</a></p> |
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### §124.502 How does an agency offer a procurement to SBA for award through the 8(a) BD program?

(a) A procuring activity contracting officer indicates his or her formal intent to award a procurement requirement as an 8(a) contract by submitting a written offering letter to SBA. The procuring activity may transmit the offering letter to SBA by electronic mail, if available, or by facsimile transmission, as well as by mail or commercial delivery service.

(b) Contracting officers must submit offering letters to the following locations:

(3) For sole source requirements offered on behalf of a specific Participant, to the SBA district office servicing that concern.

(c) An offering letter must contain the following information:

(1) A description of the work to be performed;

(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;
- (6) The location of the work to be performed for construction procurements;
- (7) Any special capabilities or disciplines needed for contract performance;
- (8) The type of contract to be awarded, such as firm fixed price, cost reimbursement, or time and materials;
- (9) The acquisition history, if any, of the requirement, including specifically whether the requirement is a follow-on requirement, and whether any portion of the contract was previously performed by a small business outside of the 8(a) BD program;
- (10) The names and addresses of any small business contractors which have performed on this requirement during the previous 24 months;
- (11) A statement that prior to the offering no solicitation for the specific acquisition has been issued as a small business set-aside, or as a small disadvantaged business set-aside if applicable, and that no other public communication (such as a notice in the Commerce Business Daily) has been made showing the procuring activity's clear intent to use any of these means of procurement;
- (12) Identification of any specific Participant that the procuring activity contracting officer nominates for award of a sole source 8(a) contract, if appropriate, including a brief justification for the nomination, such as **one** of the following:
  - (i) The Participant, through its own efforts, marketed the requirement and caused it to be reserved for the 8(a) BD program; or
  - (ii) The acquisition is a follow-on or renewal contract and the nominated concern is the incumbent;
- (13) Bonding requirements, if applicable;
- (14) Identification of all Participants which have expressed an interest in being considered for the acquisition;
- (15) Identification of all SBA field offices which have requested that the requirement be awarded through the 8(a) BD program;
- (16) A request, if appropriate, that a requirement whose estimated contract value is under the applicable competitive threshold be awarded as an 8(a) competitive contract;
- (17) A statement that the necessary justification and approval under the Federal Acquisition Regulation has occurred where a requirement whose estimated contract value exceeds \$22,000,000 is offered to SBA as a sole source requirement on behalf of a specific Participant; and
- (18) Any other information that the procuring activity deems relevant or which SBA requests.