

# 19.815 Release and notification requirements for non-8(a) procurement.

(a) Once a requirement has been accepted by SBA into the 8(a) program, any follow-on requirements (see definition at [13 CFR 124.3](#)) *shall* remain in the 8(a) program unless—

(1) SBA agrees to release the requirement from the 8(a) program for a follow-on, non-8(a) *procurement* in accordance with [13 CFR 124.504\(d\)](#) (see paragraph (b) of this section); or

(2) There is a mandatory source (see [8.002](#) or [8.003](#); also see paragraph (f) of this section).

(b) To obtain release of a requirement for a follow-on, non-8(a) *procurement*, (other than a mandatory source listed at [8.002](#) or [8.003](#)), the *contracting officer shall* make a written request to, and receive concurrence from, the SBA Associate Administrator for Business Development.

(c)

(1) The written request to the SBA Associate Administrator for Business Development *shall* indicate

(i) Whether the agency has achieved its small disadvantaged business goal;

(ii) Whether the agency has achieved its *HUBZone*, SDVOSB, WOSB, or small business goal(s); and

(iii) Whether the requirement is critical to the business development of the 8(a) contractor that is currently performing the requirement.

(2) Generally, a requirement that was previously accepted into the 8(a) program will only be released for *procurements* outside the 8(a) program when the *contracting activity* agency agrees to set aside the requirement under the small business, *HUBZone*, SDVOSB, or WOSB programs.

(3) The requirement that a follow-on *procurement must* be released from the 8(a) program in order for it to be fulfilled outside the 8(a) program does not apply to task or *delivery orders* offered to and accepted into the 8(a) program, where the basic contract was not accepted into the 8(a) program.

(d)

(1) When a *contracting officer* decides that a requirement previously procured under the 8(a) program is a new requirement and not a follow-on requirement to an 8(a) contract(s), the *contracting officer shall* coordinate with and submit a written notice to the SBA District Office servicing the 8(a) incumbent firm and to the SBA *procurement* center representative (or, if a *procurement* center representative is not assigned, see [19.402\(a\)](#)) indicating that the agency intends to procure the requirement outside the 8(a) program (see [19.810\(a\)\(4\)](#)).

(2) The written notice *shall* include a copy of the *acquisition* plan, if available; the *performance work statement (PWS)*, statement of work (SOW), or *statement of objectives (SOO)* for the new contract requirement; and the values of the existing 8(a) contract(s) and the new contract requirement.

(e)

(1) When a *contracting officer* decides to procure a follow-on requirement to an 8(a) contract using an existing, limited competition *contracting* vehicle that is not available to all 8(a) participants, and the current or previous 8(a) contract was available to all 8(a) participants, the *contracting officer shall* coordinate with and submit a written notice to the SBA District Office servicing the 8(a) incumbent firm and to the SBA *procurement* center representative (or, if a *procurement* center representative is not assigned, see [19.402\(a\)](#)) indicating the intent to do so.

(2) The written notice *shall* include a copy of the *acquisition* plan, if available; the PWS, SOW, or SOO for the new contract requirement; and the values of both contracts.

(f)

(1) When a mandatory source will be used for a follow-on requirement to an 8(a) contract, the *contracting officer should* submit a written notice to the SBA Associate Administrator for Business Development of the intent to do so at least 30 days prior to the end of the contract or order in accordance with [13 CFR 124.504\(d\)\(4\)\(ii\)](#).

(2) The written notice *should* include a written determination that a mandatory source will be used to fulfill the requirement.

**Parent topic:** [Subpart 19.8 - Contracting with the Small Business Administration \(The 8\(a\) Program\)](#)