

# NASA FAR Sup 1819

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**SMALL BUSINESS PROGRAMS**  
*(Revised August 9, 2017)*

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**PART 1819**

**SMALL BUSINESS PROGRAMS**

**1819.001 Definitions.**

*High-Tech* as used in this part means research and/or development efforts that are within or advance the state-of-the-art in a technology discipline and are performed primarily by professional

engineers, scientists, and highly skilled and trained technicians or specialists.

## **Subpart 1819.2—Policies**

### **1819.201 General policy.**

(a)(i) NASA is committed to providing to small, veteran-owned small business, service-disabled veteran-owned small business, HUBZone, small disadvantaged, and women-owned small business concerns, maximum practicable opportunities to participate in Agency acquisitions at the prime contract level. The participation of NASA prime contractors in providing subcontracting opportunities to such entities is also an essential part of the Agency's commitment. The participation of these entities is emphasized in high-technology areas where they have had low involvement level.

(ii) NASA biennially negotiates Agency small business prime and subcontracting goals with the Small Business Administration pursuant to section 15(g) of the Small Business Act (15 U.S.C. 644). In addition, NASA has an annual goal of five percent for prime and subcontract awards to SDBs and WOSBs; and a three percent goal for HUBZone and service-disabled veteran owned small business concerns.

(d) The Associate Administrator (AA) for the Office of Small Business Programs (OSBP) is the Agency official responsible for carrying out the duties in [FAR 19.201\(d\)](#).

(e)(i) The Center Director along with the AA for the Office of Small Business Programs shall designate a qualified individual in their contracting office as a small business specialist to provide a central point of contact to which small business concerns may direct inquiries concerning small business matters and participation in NASA acquisitions. The small business specialist shall also perform other functions specifically set forth in 1819.201(e)(ii) or that the procurement officer may prescribe, with the concurrence of the AA for the Office of Small Business Programs, for implementing the Small Business Program. When the Center Director considers that the volume of acquisitions or the functions relating to acquisitions at the center do not warrant a full-time small business specialist, these duties may be assigned to procurement personnel on a part-time basis. However, whether full-time or part-time, that assigned individual, when performing the duties of a small business specialist, shall report directly to the Procurement Officer.

(ii) Small business specialists appointed under paragraph (e)(i) of this section shall perform the following duties, as the procurement officer determines appropriate to the installation:

(A) Maintain a program designed to locate capable small business sources, for current and future acquisitions.

(B) Coordinate inquiries and requests for advice from small business concerns on acquisition matters.

(C) Before issuance of solicitations or contract modifications for additional supplies or services, determine that small business concerns will receive adequate consideration, including making recommendations to the contracting officer for initiation of set-asides (see [FAR 19.5](#), [19.8](#), [19.13](#), [19.14](#) and [19.15](#)) and for taking action in accordance with [FAR 19.506\(b\)](#), 1819.202, and 1819.502-70. Participate and provide input early in the acquisition planning phase of proposed acquisitions, including procurement strategy meetings.

(D) If small business concerns cannot be given an opportunity to compete because adequate specifications or drawings are not available, work with appropriate technical and contracting personnel to ensure that necessary specifications or drawings for current or future acquisitions will be available.

(E) Review acquisitions for possible breakout of items suitable for acquisition from small business concerns.

(F) Advise small business concerns regarding financial assistance available under laws and regulations, assist such concerns in applying for such assistance, and ensure that small business

concerns' requests for financial assistance are not treated as a handicap in securing the award of contracts.

(G) Participate in responsibility determinations (see [FAR 9.103](#)) when small business concerns are involved.

(H) Participate in the evaluation of prime contractors' small business subcontracting programs, on both a pre-award and post-award basis (see [FAR 19.705-4](#)).

(I) Review and make appropriate recommendations to the contracting officer on any proposal to furnish Government-owned facilities to a contractor if such action may hurt the Small Business Program.

(J) Ensure that participation of small business concerns is accurately reported.

(K) Act as liaison between contracting officers and SBA area offices and representatives in connection with set-asides, certificates of competency, and any other matters in which the Small Business Program may be involved.

(L) In cooperation with contracting officers and technical personnel, to include the small business technical advisor and the small business technical coordinators, seek and develop information on the technical competence of small business concerns for research and development and other high tech contracts. Regularly bring to the attention of contracting officers and technical personnel descriptive data, brochures, and other information regarding small business concerns that are apparently competent to perform research and development work in fields in which NASA is interested.

(M) When a small business concern's offer has been rejected for nonresponsiveness or nonresponsibility, assist that concern, upon its request, in understanding such requirements for future awards.

(N) Advise center personnel, as necessary, on new Governmentwide and Agency-approved small business programs and initiatives.

(O) Review bundling documents for adequacy and mitigate impact to small business concerns as a result of bundling.

(P) Assist small business concerns with payment issues.

### **1819.202 Specific policies.**

(a) Requirements. The contracting officer shall complete a [NASA Form \(NF\) 1787](#), Small Business Coordination, for the following:

(1) All acquisitions over the simplified acquisition threshold.

(2) All acquisitions above the micro-purchase level and below the simplified acquisition threshold that are not set-aside for small business.

(3) All modifications adding new work that is outside the authority of the "Changes" clause in the existing contract.

(4) All task and delivery orders above the micro-purchase level against multiple award contracts, GWACs, and FSS that are not set-aside for small business.

(5) All orders above the micro-purchase level against Basic Ordering Agreements and Blanket Purchase Agreements that are not set-aside for small business.

(6) All acquisitions where contract bundling or consolidation is contemplated (see [FAR 2.101](#)).

(b) Exceptions. A [NF 1787](#) is not required for the following:

(1) Modifications that do not increase the scope of the contract, including the exercising of a contract option which is within the scope of the existing contract, provided the [NF 1787](#) covering the basic contract was concurred by the Center Small Business Specialist and the SBA PCR.

(2) Repeat acquisitions, above the micro-purchase level, for the same supplies or services ordered previously, and the supplies or services are only available from a source that is other than a small business. The Center Small Business Specialist and the SBA PCR must have concurred previously via a Master [NF 1787](#) that the requirement qualifies for this exception.

- (3) Orders issued under a single-award, indefinite-delivery contract.
- (4) Solicitations and contracts under the SBIR/STTR program.
- (5) Acquisitions from mandatory sources set forth in [FAR 8.002\(a\)](#).
- (6) Broad Agency Announcements.

(c) Repeat buys. A Master [NF 1787](#) can be used for repeat acquisitions, above the micro-purchase level, for the same supplies or services that are only available from a source that is other than a small business. The contracting officer can propose a Master NF 1787 and document its use in the form's "Remarks" section (Block 11). The Master NF 1787 shall be concurred by the Center Small Business Specialist and the SBA PCR, and a copy of the Master NF 1787 shall be retained in the contract file for each acquisition.

(d) Procedures.

- (1) The [NF 1787](#) shall be submitted to the Center Small Business Specialist (SBS) and SBA Procurement Center Representative (PCR) for concurrence before synopsis in [FedBizOpps](#).
- (2) For those requirements exempted from synopsis, the [NF 1787](#) shall be submitted to the Center SBS and SBA PCR for concurrence prior to the release of the solicitation or offering of the requirement to the SBA under the 8(a) program.
- (3) Contracting officers shall coordinate acquisition strategies or plans contemplating consolidation or bundling with the Center SBS and SBA PCR at least 30 working days before issuing a solicitation. The Center SBS shall notify the Headquarters Office of Small Business Programs (OSBP) when acquisition strategies involve contract consolidation or bundling that is determined to be unnecessary or unjustified. See [FAR 2.101](#) and [FAR 7.107](#) for the definitions of consolidated and bundled contracts.
- (4) The contracting officer shall make every reasonable attempt to coordinate and collaborate with the SBA PCR in small business determinations. However, the small business determination may be made unilaterally by the contracting officer, in consultation with the Center SBS, when—
  - (i) The SBA PCR is unavailable;
  - (ii) The SBA PCR declines consideration of the action; or
  - (iii) The acquisition is covered under an existing Center/SBA memorandum of agreement; or
  - (iv) The SBA PCR does not request an extension or respond within—
    - A. Two (2) working days after receipt, but no longer than five (5) working days under unusual circumstances; or
    - B. Fifteen (15) working days for acquisitions involving consolidation or bundling.
- (5) If the Center SBS or SBA PCR does not concur with the contracting officer's recommendation, the contracting officer shall comply with the procedures for resolution set forth at [FAR 19.505](#) and NFS 1819.502-70.

**1819.202-70 Historically Black Colleges and Universities and Minority Institutions.**

See guidance at [1826.302](#) regarding prime and subcontracting objectives for Historically Black Colleges and Universities (HBCU) and Minority Institutions (MI).

**Subpart 1819.3—Determination of Small Business Status for Small Business Programs**

**1819.302 Protesting a small business representation or representation.**

(h) When the contracting officer determines in writing that an award must be made to protect the public interest, the contracting officer shall notify the Headquarters Office of Procurement, Program Operations Division, Headquarters Office of Small Business Programs, and the SBA.

**Subpart 1819.5—Set-Asides for Small Business**

## **1819.502 Setting aside acquisitions.**

### **1819.502-70 Set-aside appeals.**

(a) If the center small business specialist or PCR does not concur with the contracting officer's decision, it shall be referred to the procurement officer for resolution.

(b) If the procurement officer approves the contracting officer's decision and the SBA appeals under FAR 19.505(c), the procurement officer shall forward the required written justification, including a history of discussions between the center and the SBA and rationale for the decision, to the Headquarters Office of Procurement, Program Operations Division and a copy of the entire package to the Headquarters Office of Small Business Programs.

(c) The contracting officer shall prepare, sign, and retain in the contract file a memorandum of nonconcurrency if a recommended set-aside action is not implemented.

### **1819.502-3 Partial set-asides.**

#### **1819.502-370 NASA reporting requirements.**

The contracting officer shall separately report, in accordance with [1804.6](#), awards of the non-set-aside portions of small business set-aside acquisitions.

#### **1819.505 Rejecting Small Business Administration recommendations.**

See 1819.502-70.

## **Subpart 1819.6--Certificates of Competency and Determinations of Responsibility**

### **1819.602 Procedures.**

#### **1819.602-1 Referral.**

(a) On proposed awards exceeding the simplified acquisition threshold, the contracting officer should consider requesting a preaward survey (see [FAR 9.106](#)) before determining that a responsive small business firm is not responsible. The scope of the preaward survey request should be limited to those elements of responsibility that are questioned.

(2) The contracting officer shall forward a copy of the referral to SBA through the procurement officer to the Headquarters Office of Small Business Programs.

#### **1819.602-3 Resolving differences between the agency and the Small Business Administration.**

#### **1819.602-370 NASA procedures.**

(a) When agreement cannot be reached between the contracting officer and the SBA Area Office, the contracting officer shall forward to the Headquarters Office of Procurement, Program Operations Division, on an expedited basis, a complete case file with a request that the case be considered for appeal to SBA Headquarters. The contracting officer shall include the data already furnished to SBA, SBA's rationale for proposing to issue a COC, and the contracting officer's comments. The contracting officer shall suspend acquisition action until informed by Program Operations Division of the final decision in the case.

(b) If the referral to SBA should be withdrawn and a contract awarded without benefit of a COC, the Program Operations Division shall inform the contracting officer.

(c) If the Office of Procurement agrees with the contracting officer's recommended appeal action, the Assistant Administrator for Procurement shall forward the appeal through the Office of Small Business Programs to SBA Headquarters.

### **Subpart 1819.7—The Small Business Subcontracting Program**

#### **1819.704 Subcontracting plan requirements.**

(a)(10)(iii)(A) The Individual Subcontracting Report shall include goals as a percent of total contract value as well as a percent of total subcontract dollars.

(b) When a contractor elects to use a master subcontracting plan, on a plant or division-wide basis, the master plan should be reviewed and approved by the center contracting officer that has the single contract with the greatest acquisition value with that contractor. Copies of the master plan shall be forwarded to the Headquarters Office of Procurement and Headquarters Office of Small Business Programs. The master subcontract plan may then be used by all centers that require a subcontract plan from that contractor.

#### **1819.705-2 Determining the need for a subcontracting plan.**

(d) Solicitations for competitive negotiated acquisitions shall require proposed subcontracting plans with initial proposals (see 1819.708(b)(1)). For sole source negotiated acquisitions, the contractor shall be required to submit a proposed subcontracting plan with the proposal.

#### **1819.705-4 Reviewing the subcontracting plan.**

For unrestricted solicitations:

(a) NASA Policy Directive ( [NPD 5000.2](#), Small Business Subcontracting Goals, establishes steps that shall be performed to ensure that the maximum practicable subcontracting opportunities.

(b) The recommended SDB goals in solicitations shall be expressed as a percentage of total contract value and shall not exceed 5%.

(c) When opportunities for subcontracting are so limited for a particular small business subcategory such that the contracting officer is unable to suggest a subcontract goal, the contracting officer can forego establishing a recommended subcontracting goal for that subcategory in the solicitation.

#### **1819.705-470 Acquisition-specific subcontracting goals.**

Section 1819.201 addresses agencywide goals at the combined prime and subcontract levels. Appropriate subcontracting goals for an individual acquisition, however, are to be independently determined on the basis of the specific circumstances of the acquisition, consistent with [FAR 19.705-4](#), and not on the basis of an Agencywide or center goal. Acquisition-specific subcontracting goals should reflect maximum practicable opportunities for all categories of small business concerns to participate in NASA programs, consistent with efficient performance. Subcontracting plans shall express goals as a percentage of both (1) total contract value and (2) total subcontract dollar. Contracting officers shall use the methods outlined in [NPD 5000.2](#) to establish reasonable subcontracting goals for small, veteran-owned small business, service-disabled veteran-owned small business, HUBZone, women-owned small business concerns, and Historically Black Colleges & Universities and Minority Institutions.

#### **1819.705-6 Postaward responsibilities of the contracting officer.**



(h) Acknowledging receipt of the SSR in eSRS will be accomplished by the Headquarters Office of Small Business Programs.

#### **1819.708 Contract clauses.**

(b)(1) The contracting officer shall use the clause at [FAR 52.219-9](#) with its Alternate II when contracting by negotiation.

#### **1819.708-70 NASA solicitation provision and contract clause.**

(a) The contracting officer shall insert the provision at [1852.219-73](#), Small Business Subcontracting Plan, in invitations for bids containing the clause at [FAR 52.219-9](#) with its Alternate I. Insert in the last sentence the number of calendar days after request that the offeror must submit a complete plan.

(b) The contracting officer shall insert the clause at [1852.219-75](#), Individual Subcontracting Reports, in solicitations and contracts containing the clause at [FAR 52.219-9](#), except for contracts covered by an approved commercial subcontracting plan.

### **Subpart 1819.8—Contracting with the Small Business Administration**

#### **(The 8(a) Program)**

#### **1819.800 General.**

(f) NASA and the Small Business Administration maintain a [Partnership Agreement](#) (PA) to allow direct contracting with 8(a) firms by NASA.

(1) By PA dated November 27, 2012, between the Small Business Administration (SBA) and NASA, the SBA has delegated to each NASA installation and to NASA contracting officers, its authority under section 8(a)(1)(A) of the Small Business Act to enter into section 8(a) prime contracts, and its authority under section 8(a)(1)(B) of the Small Business Act to award the performance of those contracts to eligible section 8(a) program Participants. This authority is delegated and shall remain in effect until modified or cancelled.

(2) The PA provides for the award of both contracts and purchase orders. It encompasses all competitive and non-competitive requirements offered and accepted by SBA into the 8(a) program including but not limited to: Acquisition of Commercial Items ( [FAR Part 12](#)); awards under the Simplified Acquisition Procedures ( [FAR Part 13](#)); awards resulting from Sealed Bidding ( [FAR Part 14](#)); Contracting by Negotiation ( [FAR Part 15](#)); and Construction and Architect Engineer Contracts ( [FAR Part 36](#)).

(3) The PA allows NASA to award contracts and purchase orders directly to the 8(a) Participant. A SBA signature on the contract or purchase order is not required.

(4) The PA modifies certain sections of [FAR 19.8](#) as listed below. For any section not listed below, the contracting officer shall follow FAR 19.8.

#### **1819.801 Reserved.**

#### **1819.804 Evaluation, offering, and acceptance.**

#### **1819.804-2 Agency offering.**

(d) The notification shall clearly indicate that the offer is being processed under the PA. All notifications shall be faxed or e-mailed to the SBA when possible. In addition to the information required by [FAR 19.804-2](#) (a)-(c), the notification shall address whether—

- (1) SBA acceptance or rejection of the offer is required to be transmitted to NASA within five working days of receipt of the offer. The letter should request that the SBA response be faxed or e-mailed to NASA;
- (2) For sole source offers above the simplified acquisition threshold, that acceptance shall include a size verification and a determination of the 8(a) Participant's program eligibility, and that upon acceptance, the contracting officer will solicit a proposal, conduct negotiations, and make award directly to the 8(a) firm; or
- (3) For competitive offers above the simplified acquisition threshold, that upon acceptance, the contracting officer will solicit offers and conduct source selection.
- (4) For acquisitions valued at or below the simplified acquisition threshold no offering or acceptance letter is required.

### **1819.804-3 SBA acceptance.**

(a) Upon receipt of the contracting agency's offer, the SBA will determine whether to accept the requirement for the 8(a) Program. The SBA's decision whether to accept the requirement will be transmitted to the contracting agency in writing within five working days of receipt of the offer if the contract is likely to exceed the simplified acquisition threshold. The contracting agency may grant an extension of these time periods. For actions, above the simplified acquisition threshold and under \$20M, if SBA does not respond with a notification of rejection within five working days of receipt of an offer, the contracting activity may assume acceptance on the sixth working day. On actions greater than \$20 million, if an acceptance or rejection has not been received from the SBA District Office on the sixth working day, the contracting officer shall seek acceptance from the Associate Administrator of SBA's Office of Business Development (AA/BD). If a reply is not received from the AA/BD within five working days after the AA/BD receipt of the offer, on competitive actions the contracting officers may assume acceptance on the sixth working day.

### **1819.804-70 Release for non-8(a) competition.**

(a) Renewals or follow-on awards to an existing 8(a) contract must remain in the 8(a) program unless SBA agrees to release it. Written requests will be sent to the AA/BD for concurrence. Release decisions will be made within ten working days.

(b) In the request include whether the agency is achieving its SDB, HUBZone, SDVOSB, WOSB and small business goals. The request shall address what other SB program will be used in lieu of the 8(a) program (HUBZone, SDVOSB, WOSB or small business). Release from the 8(a) program is unlikely if another SB program is not used.

(c) The release requirement does not apply to task or delivery orders accepted into the 8(a) program.

### **1819.805-2 Procedures.**

(b)(1) In negotiated acquisition, the SBA will determine eligibility when the successful offeror has been established by the agency and the contracting officer has submitted a request for eligibility determination unless a referral has been made under [FAR 19.809](#), in which case the SBA will determine eligibility at that point. The SBA shall issue a determination for the apparent successful offeror within five working days from the request of the contracting officer.

### **1819.805-2-70 Joint Ventures.**

The rules governing 8(a) Program joint ventures (JV) are prescribed in 13 CFR § 124.513, with additional regulations applying to the 8(a) Program found throughout 13 CFR § 124. The 8(a)

participant(s) to an 8(a) JV shall be certified at the time of proposal submission, and in accordance with 13 CFR 124.513(e)(1), the SBA shall approve the 8(a) JV agreement prior to contract award. Since it takes time for SBA to approve an 8(a) JV agreement, the contracting officer should notify the SBA Procurement Center Representative (PCR) when an 8(a) JV offeror submits a proposal in response to an 8(a) set-aside acquisition. The SBA will only approve 8(a) JV agreements under 8(a) set-aside acquisitions when the 8(a) JV is the apparent successful offeror; however, contract award may be delayed if the SBA is first notified or begins the approval process too close to the anticipated date for contract award.

### **1819.806 Pricing the 8(a) contract.**

(a) The contracting officer shall price the 8(a) contract in accordance with [FAR 15.4](#). If required by FAR 15.4, the contracting officer shall obtain cost or pricing data from the 8(a) contractor.

### **1819.808 Contract negotiation.**

#### **1819.808-1 Sole source.**

(a) The contracting officer is responsible for initiating and conducting negotiations.

(b) The contracting officer shall negotiate directly with the 8(a) Participant. If requested by the 8(a) Participant, the SBA may participate in negotiations.

(c) The contracting officer shall evaluate and document the 8(a) Participant's ability to comply with the requirements of [FAR 52.219-14](#) Limitations on Subcontracting.

### **1819.811 Preparing the contracts.**

#### **1819.811-1 Sole source.**

(a) The contract to be awarded by the agency shall be made directly to the 8(a) Participant and shall be prepared in accordance with agency procedures. The contracting officer shall use the [Standard Form 26](#) as the award form, except for construction contracts, in which case the Standard Form 1442 shall be used as required in [FAR 36.701](#)(a).

(b) The contract to the 8(a) Participant shall—

- (1) Cite 10 U.S.C. 2304(c)(5) as the authority for use of other than full and open competition;
- (2) The "Issued by" block shall identify the awarding NASA office;
- (3) The section 8(a) Participant's name and address shall be listed as the contractor;
- (4) Include the clause at [FAR 52.219-11](#), which allows for direct award to the 8(a) contractor and identification of the cognizant SBA district office for the 8(a) contractor; and
- (5) Include the name of the NASA Center/Installation in the NASA contracting officer title in the signature block.

(c) The contracting officer shall provide an executed copy of the contract or purchase order to the SBA servicing District Office within 15 working days of contract award.

#### **1819.811-2 Competitive.**

Awards shall be prepared in accordance with 1819.811-1.

#### **1819.811-3 Contract clauses.**

(a) The contracting officer shall insert the clause at [1852.219-11](#), Special 8(a) Contract Conditions,

in contracts and purchase orders awarded directly to the 8(a) contractor when the acquisition is accomplished using the procedures of [FAR 19.811-1](#)(a) and (b).

(d) The contracting officer shall insert the clause at [1852.219-18](#), Notification of Competition Limited to Eligible 8(a) Concerns, in competitive solicitations and contracts when the acquisition is accomplished using the procedures of [FAR 19.805](#).

(1) The clause at [1852.219-18](#) with Alternate I to the FAR clause at [52.219-18](#) will be used when competition is to be limited to 8(a) concerns within one or more specific SBA districts pursuant to [FAR 19.804-2](#).

(2) The clause at [1852.219-18](#) with Alternate II to the FAR clause at 52.219-18 will be used when the acquisition is for a product in a class for which the Small Business Administration has waived the nonmanufacturer rule (see [FAR 19.102](#)(f)(4) and (5)).

(e) Follow the prescription at [FAR 19.811-3](#)(e).

### **1819.812 Contract administration.**

(b) The contracting officer shall distribute copies of all contracts and modifications within 15 working days of award.

(d) Contracting Officers must coordinate any planned requests for waiver of an 8(a) contract termination with the Headquarters Office of Procurement (Program Operations Division). The Headquarters Office of Procurement will review and coordinate the package with Headquarters offices, as appropriate, and will either forward the request to the Administrator for signature or will advise the Contracting Officer of the decision not to submit the request to the SBA.

## **Subpart 1819.72—NASA Mentor-Protégé Program**

### **1819.7201 Scope of subpart.**

(a) This subpart implements the NASA Mentor-Protégé Program (hereafter referred to as the Program) established under the authority of Title 42, U.S.C., 2473(c)(1). The purpose of the Program is to—

- (1) Provide incentives to NASA contractors, performing under at least one active approved subcontracting plan negotiated with NASA to assist protégés in enhancing their capabilities to perform as viable NASA, other Government, and commercial suppliers on contract and subcontract requirements;
- (2) Increase the overall participation of protégés as subcontractors and suppliers under NASA contracts, other Federal agency contracts, and commercial contracts; and
- (3) Foster the establishment of long-term business relationships between protégés and mentors.

(b) Under the Program, eligible entities approved as mentors will enter into mentor-protégé agreements with eligible protégés to provide appropriate developmental assistance to enhance the capabilities of the protégés to perform as subcontractors and suppliers. NASA may provide the mentor award fee incentives.

### **1819.7202 Eligibility.**

(a) Eligibility of Mentors: To be eligible to participate as a mentor, an entity must be—

- (1) A large prime contractor performing with at least one approved subcontracting plan (other than a commercial plan) negotiated with NASA, pursuant to [FAR Subpart 19.7](#), the Small Business Subcontracting Program. A contractor may apply to become a mentor if they currently are not performing under a NASA contract, as long as they are currently performing another Federal agency

contract with an approved subcontracting plan. The NASA mentor-protégé agreement, however, will not be approved until the mentor company is performing under a NASA contract with an approved subcontracting plan; and

(2) Eligible for receipt of Government contracts.

An entity will not be approved for participation in the Program if, at the time of submission of the application to the Headquarters Office of Small Business Programs, the entity is currently debarred or suspended from contracting with the Federal Government pursuant to [FAR Subpart 9.4](#), Debarment, Suspension, and Ineligibility.

(b) Eligibility of Protégés: To be eligible to participate as a protégé, an entity must be—

(1) Classified as a Small Disadvantaged Business (SDB), as defined in [FAR Part 2](#), Definitions of Parts and Terms, small disadvantaged business, a women-owned small business, a historically underutilized business zone concern, a veteran-owned or service-disabled veteran-owned small business, an historically black college and university or minority institution . The protégé entity may also be an active NASA SBIR/STTR Phase II company, or an entity participating in the AbilityOne program.

(2) Eligible for the award of Federal contracts; and

(3) A small business according to the Small Business Administration (SBA) size standard for the North American Industry Classification System (NAICS) code that represents the contemplated supplies or services to be provided by the protégé to the mentor.

(4) A protégé firm may self-certify to a mentor firm that it meets the requirements set forth in paragraphs (b) 1-3 of this section. Mentors may rely in good faith on written representations by potential protégés that they meet the specified eligibility requirements.

#### **1819.7203 Mentor-protégé advanced payments.**

If advance payments are contemplated, the mentor must first have the advance payments approved by the contracting officer in accordance with [FAR Subpart 32.4](#), Advance Payments for Non-Commercial Items.

#### **1819.7204 Agreement submission and approval process.**

(a) To participate in the Program, entities approved as mentors in accordance with 1819.7203, will submit a complete agreement package to the Contracting Officer who will forward the completed agreement package to the cognizant Small Business Specialist at the NASA Center. The submission package must include the following:

(1) A signed mentor-protégé agreement.

(2) A signed protégé application.

(3) The estimated cost of the technical assistance to be provided, broken out per year and per task, in a separate cost volume.

(4) NASA OSBP may require additional information as requested upon agreement submission.

(5) A signed letter of endorsement of the agreement by the contracting officer and the contracting officer representative.

(b) The mentor-protégé agreement must be approved by the Assistant Administrator, NASA OSBP, prior to the mentor incurring eligible costs for developmental assistance provided to the protégé.

(c) The cognizant NASA center will issue a contract modification, if justified prior to the mentor incurring costs for developmental assistance to the protégé.

#### **1819.7205 Award Fee Pilot Program.**

(a) Mentors will be eligible to earn a separate award fee associated with the provision of

developmental assistance to NASA SBIR/STTR Phase II Protégés only. The award fee will be assessed at the end of the Mentor-Protégé agreement period.

(b) The overall developmental assistance performance of NASA contractors, in promoting the use of small businesses as subcontractors, will be a required evaluation factor in award fee plans.

(c) Evaluation criteria to determine the award fee should include—

- (1) Benefit of the agreement to NASA;
- (2) Active participation in the Program;
- (3) The amount and quality of developmental assistance provided;
- (4) Subcontracts awarded to small businesses and others;
- (5) Success of the protégés in increasing their business as a result of receiving developmental assistance; and
- (6) Accomplishment of any other activity as related to the mentor-protégé relationship.

(d) The Award Fee Pilot Program is an addition to the credit agreement. Participants that are eligible for award fee may also receive credit under their individual contract's award fee plan.

### **1819.7212 Reporting requirements.**

(a) Mentors must report on the progress made under active mentor-protégé agreements semiannually throughout the term of the agreement.

(b) Reports are due 30 days after the end of each six-month period of performance commencing with the start of the agreement.

(c) Each semiannual report must include the following data on performance under the mentor-protégé agreement:

- (1) Expenditures by the mentor.
- (2) The number and dollar value of subcontracts awarded to the protégé.
- (3) Description of developmental assistance provided, including milestones achieved.
- (4) Impact of the agreement in terms of capabilities enhanced, certifications received, and/or technology transferred.

(d) Semiannually, the protégé must provide an independently developed progress report using the semiannual report template, on the progress made during the prior six months by the protégé in employment, revenues, and participation in NASA contracts during each year of the Program participation term. The Protégé must also provide an additional post-agreement report for each of the two years following the expiration of the Program participation term.

(e) The protégé semiannual report required by paragraph (d) of this section must be submitted separately from the Mentor's semi-annual report submission.

(f) Reports for all agreements must be submitted to the NASA OSBP Mentor-Protégé Program Manager, the mentor's cognizant administrative contracting officer, and their cognizant center small business specialist.

(g) Templates for the semiannual report and the Post-Agreement report and guidance for their submission are available at: <http://www.osbp.nasa.gov>.

### **1819.7215 Solicitation provision and contract clauses.**

(a) The contracting officer shall insert the clause at [1852.219-77](#), NASA Mentor-Protégé Program,

in:

(1) Any contract that includes the clause at [FAR 52.219-9](#), Small Business Subcontracting Plan.

(b) The contracting officer shall insert the clause at [1852.219-79](#), Mentor Requirements and Evaluation, in contracts where the prime contractor is a participant in the NASA Mentor-Protégé Program.

### **Subpart 1819.73—Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs**

#### **1819.7301 Scope of subpart.**

The Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) Programs were established and issued under the authority of the Small Business Act codified at 15 U.S.C. 631, as amended, and the Small Business Innovation Development Act of 1982 (Pub. L. 97-219), codified with amendments at 15 USC 638, as amended. The Small Business Act requires that the Small Business Administration (SBA) issue SBIR and STTR Program Policy Directives for the general conduct of the SBIR/STTR Programs within the Federal Government. The statutory purpose of the SBIR Program is to strengthen the role of innovative small business concerns (SBCs) in federally-funded research or research and development (R/R&D). Specific program purposes are to: stimulate technological innovation; use small business to meet Federal R/R&D needs; foster and encourage participation by socially and economically disadvantaged SBCs, and by SBCs that are 51 percent owned and controlled by women, in technological innovation; and increase private sector commercialization of innovations derived from Federal R/R&D, thereby increasing competition, productivity and economic growth. Federal agencies participating in the SBIR/STTR Programs (SBIR/STTR agencies) are obligated to follow the guidance provided by the SBA Policy Directive. NASA is required to ensure its policies, regulations, and guidance on the SBIR/STTR Programs are consistent with SBA's Policy Directive. Contracting officers are required to insert the applicable clauses identified in 1819.7302 in all SBIR and STTR contracts.

#### **1819.7302 NASA contract clauses.**

(a) Contracting officers shall insert the clause at [1852.219-80](#), Limitation on Subcontracting - SBIR Phase I Program, in all Phase I contracts awarded under the Small Business Innovation Research (SBIR) Program established pursuant to Pub. L. 97-219 (the Small Business Innovation Development Act of 1982).

(b) Contracting officers shall insert the clause at [1852.219-81](#), Limitation on Subcontracting - SBIR Phase II Program, in all Phase II contracts awarded under the Small Business Innovation Research (SBIR) Program established pursuant to Pub. L. 97-219 (the Small Business Innovation Development Act of 1982).

(c) Contracting officers shall insert the clause at [1852.219-82](#), Limitation on Subcontracting - STTR Program, in all contracts awarded under the Small Business Technology Transfer (STTR) Program established pursuant to Pub. L. 97-219 (the Small Business Innovation Development Act of 1982). Occasionally, deviations from this requirement may be approved. Any deviations from this requirement shall be approved in writing by the contracting officer after coordination with the agency SBIR Program Manager/Coordinator.

(d) Contracting officers shall insert the clause at [1852.219-83](#), Limitation of the Principal Investigator - SBIR Program, in all contracts awarded under the Small Business Innovation Research (SBIR) Program established pursuant to Pub. L. 97-219 (the Small Business Innovation Development Act of 1982). Occasionally, deviations from this requirement may be approved. Any deviations from

this requirement shall be approved in writing by the contracting officer after coordination with the agency SBIR Program Manager/Coordinator.

(e) Contracting officers shall insert the clause at [1852.219-84](#), Limitation of the Principal Investigator - STTR Program, in all contracts awarded under the Small Business Technology Transfer (STTR) Program established pursuant to Pub. L. 97-219 (the Small Business Innovation Development Act of 1982). Occasionally, deviations from this requirement may be approved. Any deviations from this requirement shall be approved in writing by the contracting officer after coordination with the agency SBIR Program Manager/Coordinator.

(f) Contracting officers shall insert the clause at [1852.219-85](#), Conditions for Final Payment - SBIR and STTR Contracts, in all Phase I and Phase II contracts awarded under the Small Business Technology Transfer (STTR) Program and the Small Business Innovation Research (SBIR) Program established pursuant to Pub. L. 97-219 (the Small Business Innovation Development Act of 1982).