



# The New All Small Mentor-Protégé & JV Programs

# Small Business Program Update

2

Small Business Subcontracting Improvements were amended into the FAR in a Final Rule effective NOV 1, 2016 and published in FAR Part 19.7 (under FAC 2005-89). Some of the changes include:

- Contract mods that cause value of the K to exceed \$700K (\$1.5M for construction) SHALL require Ktr to submit a subk plan for the contract – if KO determines subk opportunities exist.
- On IDIQ contracts the KO may establish subcontracting goals at the order level (but not a new subcontracting plan).
- FAR 19.704 SUBCONTRATING PLAN REQUIREMENTS now has 14 required elements (previously 11).

# Association of Procurement Technical Assistance Centers posts past “First Wednesday” programing

3

- Check this link for past programs:

<http://www.aptac-us.org/for-contracting-officers-sba-webinar-library/>

- Contracting officer resources: “How PTACs partner with federal agencies”:

<http://www.aptac-us.org/federal-partners/>

- Find your nearest Procurement Technical Assistance Center at <http://www.aptac-us.org>

# Background

4

- Authorized under the 2010 Small Business Jobs Act and the 2013 NDAA
  - Rather than creating programs for separate constituencies – SDVOB, WOSB, HUBZones - SBA created a single, all-inclusive Mentor-Protégé Program modeled on its 8(a) program.
  - The All Small Mentor-Protégé Program's (ASMPP) aim is two-fold: develop strong Protégé firms through Mentor-provided business development assistance; and enhance the ability of Protégé firms to successfully compete for government contracts.

# New Rule Highlights

5

- Final Rule Effective Date: August 24, 2016
  - Creates the All Small Mentor Protégé Program (ASMPP)
  - Streamlines the rules for the 8(a) Mentor-Protégé Program and made them consistent with the ASMPP
    - Prescribes content for Joint Venture Agreements under both programs
  - Authorizes the SBA to evaluate other Federal Agency Mentor-Protégé Programs

# All Small Mentor Protégé Program (ASMPP) Update

6



The SBA began accepting applications on October 1, 2016.

Applications must now be submitted via [certify.sba.gov](https://certify.sba.gov). No paper applications will be accepted.

Please note that a Mentor-Protégé relationship should be established before starting the application – the ASMPP is not a matching program

Website:

<https://www.sba.gov/allsmallmpp>

# Program Administration

7

- Centralized in HQ, rather than the distributive 8(a) model
- Online Application – [certify.sba.gov](http://certify.sba.gov)
- Online course tutorial requirement
- Annual Review and Evaluation
- Template agreements i.e. MPA, joint venture
- Incremental staff augmentation at HQ – demand driven

# ASMPP Highlights

8

- Protégé may only have one Mentor at a time, and a maximum of two. (2 SBA MPAs in lifetime)
- Mentors cannot have more than 3 Protégés in the aggregate, at any one time.
- Protégés and Mentors must either be for-profit entities or agricultural cooperatives.
- Participants can be both a Protégé and a Mentor if no competition or conflict exists.
- Participants self-certify as small in the NAICS in which they're seeking business development assistance.

# ASMPP Highlights (continued)

9

- SBA won't authorize MPAs in secondary NAICs in which the firm hasn't performed work.
- No reapplication required for 8(a) firms in the last 6 months of the 8(a) program wishing to transfer their existing MPA to the ASMPP.
- No financial statements or tax returns required.
- Business plan (SBA-approved or other) required for consideration.

# Approved forms of Mentor Assistance

10

- ❑ **Management & Technical Assistance** (internal business management systems)
- ❑ **Financial Assistance** (in the form of equity investments and/or loans)
- ❑ **Contracting Assistance** (contracting processes, capabilities acquisitions & performance)
- ❑ **Trade Education** (learn how to export, IT business plan, finding markets)
- ❑ **Business Development Assistance** (strategy, finding contracting and partnership opportunities)
- ❑ **General and/or Administrative Assistance** (business processes and support)

**Note: May be one, two, or all areas of assistance**

# Small Business Joint Ventures

- An approved Protégé and Mentor may joint venture as a small business for any government prime contract or subcontract, provided the protégé qualifies as small for the procurement.
  - a. Applies to every Federal Agency whether they participate in the ASMPP program or not including NASA and DOD.

# Small Business Joint Ventures

12

- Small Business Joint Ventures should be registered in SAM
- Require ASMPP Approval letter to be included with JV package
- In order to receive the exclusion from affiliation, the joint venture must meet the requirements outlined in 13 CFR 125.8(b)(2), (c), and (d).

# Small Business Joint Ventures (cont'd)

13

- The ASMPP does not review, evaluate or approve joint venture entities or joint venture agreements.
- The processing of non-8a JVs (WOSB/SDVO/HubZone, SB) undergo the same review and due diligence as before. No District Office approval required.
- Contracting offices continue to follow the normal procedures for apparent awardees.

# Small Business Joint Ventures (cont'd)

14

- The ASMPP does not alter the existing review process for non-8(a) joint ventures. Procuring activity reviews and in essence approves joint ventures as part of awarding the contract.
- If affiliation, certificate of competency or size issues exist, continue to refer to SBA's Government Contracting Division for determinations.

# Small Business Joint Ventures (cont'd)

15

- The ASMPP **does** eliminate the ostensible subcontracting rule by providing exclusion to affiliation.
  - The **ostensible subcontractor rule** treats a prime contractor and its **subcontractor** “as joint venturers, and therefore affiliates, for size determination purposes” when the **subcontractor** “performs primary and vital requirements of a contract,” or the prime contractor is “unusually reliant” upon the **subcontractor**.
- If procuring activity has concern regarding the apparent awardee as it relates to size, affiliation or CoC, forward to SBA for review & determination.

# Limitations on Subcontracting

16

**The LOS rule, 13 CFR 125.6, has changed to reflect changes from the NDAA FY 2013: [http://www.ecfr.gov/cgi-bin/text-idx?node=se13.1.125\\_16&rgn=div8](http://www.ecfr.gov/cgi-bin/text-idx?node=se13.1.125_16&rgn=div8)**

Principally, the changes are (1) that the limitation now is on paying more than 50% (or 15% or 25%) of the amount paid by the government to non-similarly-situated subcontractors, (2) payments to similarly situated entities are not considered to be subcontracted amounts, and (3) for multiple item procurements for supplies, the LOS percentage is applied to the value of the products, not counting any products for which SBA has waived the non-manufacturer rule.

# Mentor-Protégé Programs

## Similarities

17

- Mentors and Protégés are solely responsible for finding their counterpart.
- Mentors must be currently eligible for the award of Federal contracts.
- Protégé needs include measurable milestones. Developmental assistance aligns with the Protégé's strategic vision (as outlined in its Business Plan.)

# Resources

18

▣ SBA webpage <https://www.sba.gov/allsmallmpp>

▣ All Small Mentor Protégé Program Tutorial

<https://www.sba.gov/tools/sba-learning-center/training/sbas-all-small-mentor-protege-program>

# ASMPP

19

For more information on the ASMPP

Please contact:

[allsmallmpp@sba.gov](mailto:allsmallmpp@sba.gov)

# **"SBA Quick Reference"**

# Dynamic Small Business Search

21

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**SBA** DSBS

Welcome to the Dynamic Small Business Search

All search form hotlinks open a new browser window.  
All form fields that require typing in data have "tooltips" with data format information.

**NEW** NEW FEATURES FOR MOBILE USERS:  
Phone number hotlinks can be used to dial the number on mobile phones.  
Address hotlinks can be used to show the address in Google Maps.

**This is generally a self-certifying database. The SBA does not make any representation as to the accuracy of any of the data included, other than certifications relating to 8(a) Business Development, HUBZone or Small Disadvantaged Business status. The SBA strongly recommends that contracting officers diligently review a bidder's small business self-certification before awarding a contract.**

### Location of Profile

States: Searching within a State:  
(Requires exactly one state from the State list at left.)

- MA - Massachusetts
- ME - Maine
- MD - Maryland
- MS - Mississippi
- MI - Michigan
- MN - Minnesota
- MO - Missouri
- MT - Montana
- NE - Nebraska**
- NV - Nevada

[\(How to make multiple selections.\)](#)

Congressional District: [Help](#)

County:  [Lookup Help](#)

Area Code or Phone Number Initial Fragment

Metropolitan Statistical Area [Help](#)

SBA Servicing Office [Help](#)

Zip Code or Zip Code Initial Fragment

### Government Certifications

[8\(a\) Certified or 8\(a\) Joint Venture](#) | [Small Disadvantaged Business](#)

Last modified: 07/13/2004 12:00:00 AM

[> FirstGov](#) | [> E-Gov](#) | [> Regulations.gov](#) | [> White House](#)

\* Privacy & Security \* Information Quality \* FOIA \* No Fear Act \* ADA

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Session timeout in 59 minutes.

# Summary of CFR Regulations

22

SBA size regulations	13 CFR Part 121
HUBZone regulations	13 CFR 126.616
SBA Certificate of Competency	13 CFR 125.5
Service-disabled veteran	13 CFR 125.15(b)
8(a) and SDB regulations	13 CFR 124.513
Small disadvantaged business	13 CFR 124.1002(f)
WOSB Program	13 CFR 127
SBA Prime Contracting	13 CFR 125.2
SBA Subcontracting	13 CFR 125.3

## A. SBA Quick Reference - SBA Area Offices

23

1. Size protests (with recertification)  
FAR 19.302  
13 CFR 121.1001  
13 CFR 121.1010
2. Locating nearest SBA staffer  
FAR 19.4
3. Certificate of Competency  
FAR 19.6  
13 CFR 125.5
4. COC Limitations on Subcontracting Compliance  
FAR 19.601  
13 CFR 125.6(f)
5. Receiving copies subcontracting plans  
FAR 19.705-6

## B. SBA Quick Reference - SBA Procurement Center Representatives (PCRs)

24

**FAR 19.402 Small Business Administration procurement center representatives.** (a)(1) The SBA may assign one or more procurement center representatives to any contracting activity or contract administration office to carry out SBA policies and programs...

(2) If a SBA procurement center representative is not assigned to the procuring activity or contract administration office, contact the SBA Office of Government Contracting Area Office.....

(b) Upon their request and subject to applicable acquisition and security regulations, contracting officers shall give SBA procurement center representatives....access to all reasonably obtainable contract.....

## B. SBA Quick Reference SBA PCRs, cont.

25

- |  |   |
|--|---|
| 1. SBA PCR coordination records              | <b>FAR 19..501(b)</b><br><b>13 CFR 125.2</b>  |
| 2. Small business set-aside appeals          | <b>FAR 19.505</b><br><b>13 CFR 125.2(b)(7)</b>  |
| 3. HUBZone set-aside appeals                 | <b>FAR 19.1305</b><br><b>FAR 19.1306</b><br><b>13 CFR 126.61</b>  |
| 4. SDVOSB set-aside appeal                   | <b>FAR 19.1405</b><br><b>FAR 19.1406</b><br><b>13 CFR 125.22</b>  |
| 5. Reporting bundling to SBA (MATOCs)        | <b>FAR 19.202-1(e)(1)</b><br><b>13 CFR 125.2</b>  |
| 6. SBA subcontracting plan reviews-copies    | <b>FAR 19.705-5(3)</b><br><b>13 CFR 125.2(b)(6)(iii)</b><br><b>FAR 19.705-6(c)</b><br><b>13 CFR 125.2(b)(6)(iii)(C)</b> |
| 7. SBA subcontracting program review         | <b>FAR 19.707(4)</b><br><b>13 CFR 125.2(b)(6)(iii)(C)</b>   |
| 8. Small business TFD                        | <b>FAR 49.402-3 (e)(4)</b><br><b>(Termination for default)</b>  |
| 9. Surveillance review of agency contracting |   |

C. SBA Quick Reference - SBA Commercial Market Representatives (CMRs) link at:  
<https://www.sba.gov/content/cmr-directory>

26

1. Prime contractor portfolio management 13 CFR 125.3
2. Reviews of subcontracting plan holders 13 CFR 125.3
3. Matchmaking 13 CFR 125.3
4. SBA SUB-Net link at: <http://www.sba.gov/content/sub-net>
5. SBA Subcontracting Opportunities Directory link at:  
<http://www.sba.gov/subcontracting-directory>
6. “SBLO Handbook” link at: <http://www.sba.gov/content/small-business-liason-officer-handbook>

## D. SBA Quick Reference - SBA District Offices, cont.

27

To locate SBA 8(a) business development servicing office, check Dynamic Small Business Search at the link: [http://dsbs.sba.gov/dsbs/search/dsp\\_dsbs.cfm](http://dsbs.sba.gov/dsbs/search/dsp_dsbs.cfm) and then local resources at the link <http://www.sba.gov/tools/local-assistance/districtoffices>

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Legal Structure:  
Ownership and Self-Certifications: Tribally Owned Firm

### **Organization, Ownership & Certifications**

#### **Current Principals**

1. Sharon Frenchman, Secretary
2. Winnebago Tribe of Nebraska, Owner

#### **"Business Development Servicing Office" (for certifications)**

NEBRASKA DISTRICT OFFICE (SBA office code 0766)

## E. SBA Quick Reference - SBA Headquarters

28

- |                                  |   |
|----------------------------------|---|
| 1. HUBZone status protests       | FAR 19.306<br>13 CFR 126.801            |
| 2. NAICS code appeal             | FAR 19.30 3<br>13 CFR 121.1103          |
| 3. Non-manufacturer rule waivers | FAR 19.102(f)(1)-(7)<br>13 CFR 121.1204 |
| 4. SDVOSB status protest         | FAR 19.307<br>13 CFR 125.23             |
| 5. WOSB Program status protest   | FAR 19.308/13 CFR<br>1275.600           |



Find your PCR at <https://www.sba.gov/content/pcr-directory>