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Tribal Enterprise

Business Guide: 8(a) Business Development Program

This guide is designed to inform, educate and engage qualified tribal businesses in the 8(a) Business Development Program

U.S. Small Business Administration

Office of Native American Affairs

Office of Government Contracting and Business Development



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Business Guide: 8(a) Business Development Program



Office of Native American Affairs
Office of Government Contracting & Business Development
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This is about tribally owned businesses winning federal contracts.

Welcome to “Tribal Enterprise” – a business guide to the 8(a) Business Development Program.

NOTE: *This supplemental workbook tracks the slides and narrative contained in the online training module, **Tribal Enterprise - Business Guide: 8(a) Business Development Program**. The online version of the training guide, with audio can be accessed at: www.sba.gov/qcclassroom. For the user’s convenience, all hyperlinks contained in the copied slides are included as links at the end of the workbook.*

Introduction

- 8(a) Business Development Program is designed to assist socially and economically disadvantaged small businesses, including tribally owned businesses
- Designed to inform, educate and engage qualified businesses in the 8(a) program

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The 8(a) program is a business development program designed to assist socially and economically disadvantaged small businesses, including tribally owned enterprises.

This guide is designed to inform, educate and engage qualified tribal businesses in the 8(a) program.

Notes...

Course Contents

Tribal Enterprise

1. Tribally Owned Businesses
2. 8(a) Program Purpose & Summary
3. How the Program Works
4. Eligibility Requirements for Tribal Enterprises
5. Application Process
6. Key Questions & Answers
7. Resources and Assistance

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The training module provides an overview of the 8(a) program, including a discussion about tribally owned businesses, a description of the program's purpose, how it works, tribal eligibility requirements, the application process, key questions and answers and important resources.

In addition many of the slides include highlighted boxes with specific FAR and CFR regulatory references to help users easily access more information about the content in the slides.

Also, the course is designed so that you can easily go to, leave or return to any section of the course, at any time.

Tribally Owned Businesses

- What is a tribally owned business?
 - any business concern that is at least 51% owned by an Indian tribe
 - Indian tribe means any Indian tribe, band, nation or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians or is recognized as such by the State in which the tribe, band, nation or community resides

13 CFR 124.3

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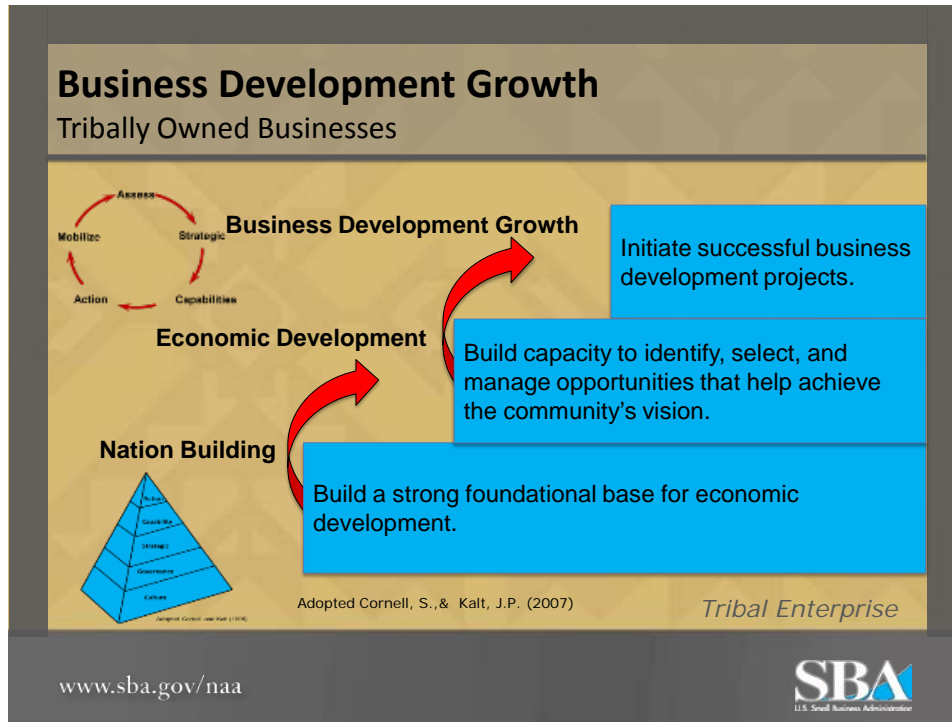
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But first, what is a tribally owned business or concern? For purposes in this training module, the terms tribally owned business or tribally owned enterprise are used interchangeably with the term tribally owned concern.

As defined in federal regulations, a tribally owned business (concern) means any business (concern) that is at least 51% owned by an Indian tribe. An Indian tribe is any Indian tribe, band, nation or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians or is recognized as such by the State in which the tribe, band, nation or community resides.

Notes...



The 8(a) program is a tool, a business development tool that may fit within the economic development vision of the tribe or the tribal entities that make up the tribe.

With that said, successful business development within a tribe may be enhanced with a well-defined economic development framework and a strong foundational base of capabilities, strategies and supporting policies.

At the base sits nation building. A strong, effective, self-driven nation serves as the foundation to support all productive activity. Resting above it, is economic development. In this level, a nation builds the capacity to identify, select and manage the community's endowment of resources and talent that help achieve the community's vision.

At the top is business development growth. Here tribal entities make critical decisions on starting and growing their businesses. The 8(a) program is but one tool that may help support business development growth.

Framework for Business Development Growth Tribally Owned Businesses

- Assess
 - What we know
- Strategic choices
 - Identify opportunities
- Capabilities
 - Alignment and delivery
- Action
 - Adapting and learning
- Mobilization
 - Willingness to lead change



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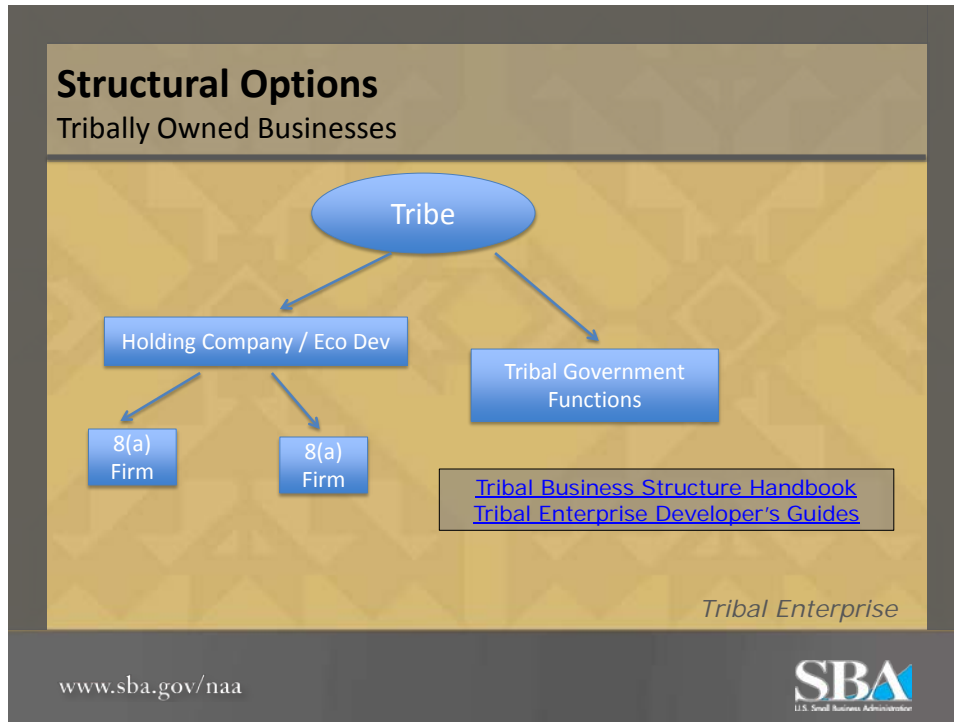


Achieving business growth requires a plan. A well thought out plan.

As such, a tribe should have a good understanding of where it is today, where it has been and where it wants to go. Five steps can be applied to build a planning framework. First, gather what you know and assess your current circumstances. Second, identify opportunities and make strategic choices. Applying to the 8(a) program, for instance, may be one of those choices.

Third, understand your tribal capabilities and align skills with what your tribe can successfully deliver. Fourth, identify and manage actions and lastly, but most importantly, mobilize change.

Notes...



The 8(a) program is a tool. And, a tribe may have more than one 8(a) tribal enterprise.

It is important for a tribe to understand how it can be optimally structured so it can be positioned for business development growth. This slide shows one structural option, with two affiliated 8(a) firms. There are other options.

At your convenience, review the hyperlinked guides to better understand how a tribe can be positioned for growth.

Notes...

Reflection...

Tribally Owned Businesses

- Does your tribe have a strong foundational base for economic development?
- Has tribal leadership considered ways the 8(a) program can be used as a business development tool for your tribe?
- Is your tribe structurally positioned for optimal business development growth?

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Reflection...

Does your tribe have a strong foundational base for economic development? Has tribal leadership considered ways the 8(a) program can be used as a business development tool? Is your tribe structurally positioned for optimal business development growth?

Notes...



Program overview and summary.

Notes...

Program Purpose

8(a) Program & Summary

- Help small disadvantaged businesses, including tribally owned businesses compete in the marketplace
- Provide business development support
- Prepare qualifying entities for procurement and other business opportunities

13 CFR 124.1



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The 8(a) Program -- named for Section 8(a) of the Small Business Act -- is designed to assist small disadvantaged businesses, including tribally owned businesses to compete in the marketplace. It is also designed to assist such entities in gaining access to federal and private procurement markets.

The primary focus of the program is to provide business development support, such as mentoring, procurement assistance, business counseling, training, financial assistance, surety bonding and other management and technical assistance to qualified firms. The ultimate objective, however, is to **prepare** small disadvantaged firms for procurement and other business opportunities.

Through the award of sole source and set-aside contracts, the 8(a) program provides market access and growth for qualified tribal enterprises.

American Indian -- 8(a) Perspective

8(a) Program & Summary

- 8(a) program is a business development tool for American Indian tribes
- Federal agencies have strong incentives to contract with tribal concerns
- Tribes do have special procurement privileges – an important perspective is that often times proceeds from tribally owned companies are used to benefit the entire tribal membership, rather than individual owners

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The program is a business development tool that offers opportunities for American Indian tribes.

Under the 8(a) program, Congress granted tribes with unique rights in the federal procurement process. These rights provide federal agencies with strong incentives to contract with tribal enterprises.

Tribes do have special procurement privileges. There are many reasons for this. However, an important perspective is that often times the proceeds from tribally owned companies are used for the benefit of the entire tribal membership, rather than individual owners. Tribes use these proceeds to build, sustain and operate their communities – for the betterment of education, health care, public works and other community sustaining activities.

Regulatory Guidance

8(a) Program & Summary

The 8(a) Business Development Program:

- Established by:
 - Section 8(a) of the Small Business Act of 1953
- Governed by:
 - 13 CFR 124.100–124.704 (Subpart A)
 - FAR Part 19.800–19.812
- Specific References to Tribally Owned Businesses:
 - 13 CFR 124.3 -- Definitions
 - 13 CFR 124.103 -- Who is Socially disadvantaged?
 - 13 CFR 124.105-106 -- Eligibility
 - 13 CFR 124.109 -- Applying to the 8(a) program
 - 13 CFR 124.112 -- Business criteria to remain eligible

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The 8(a) program was established by Section 8(a) of the Small Business Act.

It is primarily governed by 13 CFR 124 Subpart A and FAR Parts 19.8 – 19.812. Specific references to tribally owned businesses are also noted in the slide.

Notes...

Key Program Objectives

8(a) Program & Summary

- “Promote the business development of small business concerns owned and controlled by socially and economically disadvantaged individuals...”
- “Promote the competitive viability of such concerns...”
- “Clarify and expand the program for procurement by the United States...”

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As articulated in statute and regulations, the key objectives of the 8(a) program are to promote business development of small business concerns owned and controlled by socially and economically disadvantaged individuals; to promote the competitive viability of such concerns; and to use the tools of the program to help qualified small disadvantaged firms benefit from federal procurement opportunities.

Qualifying tribally owned businesses can benefit from these key program objectives.

Notes...

Term of Participation

8(a) Program & Summary

- Maximum 9 year participation in the program, beginning from the date of SBA approval
- First 4 years are considered the developmental stage
- Last 5 years are considered the transitional stage
- Continuation in the program is dependent on:
 - Remaining eligible as a socially and economically disadvantaged firm (includes all applicable requirements)
 - Staying in compliance with the 8(a) BD participation agreement

13 CFR 124.2

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Participation in the 8(a) program is limited to 9 years, beginning from the date a firm is approved by the SBA as a certified 8(a) Business Development firm.

The first four years in the program are considered the developmental stage. The last five years in the program are considered the transitional stage.

Continuation in the program, in both the developmental and transitional stages, is dependent on the firm's continuing eligibility as a socially and economically disadvantaged – owned and operated – firm and that the firm continues to be in compliance with the 8(a) business development agreement.

Summary Requirements and Goals
8(a) Program & Summary

- Overall goal for 8(a) firms is to graduate from the program and thrive in a competitive business environment
- Requirements:
 - Maintain a balance between commercial and government business
 - SBA district offices monitor and measure the progress of participating firms
 - Annual review
 - Business planning
 - Systematic evaluations

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The 8(a) program is a business development program. As such, the overall goal for 8(a) firms is to graduate from the program and go-on to thrive in a competitive business environment. There are several requirements in place to help firms achieve this goal.

Firms must maintain a balance between their commercial and government business.

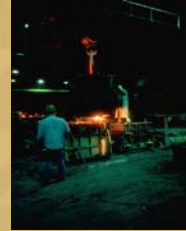
In addition, SBA district offices monitor and measure the progress of participating 8(a) firms. It does this through annual reviews, business planning collaboration and systematic evaluations.

Notes...

Reflection...

8(a) Program & Summary

- Is the purpose of the 8(a) program aligned with the goals and objectives of your tribe?
- Is your tribe and related tribal businesses positioned to take advantage of opportunities available through the 8(a) program?



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Reflection...

Is the purpose of the 8(a) program aligned with the goals and objectives of your tribe? Is your tribe and related tribal businesses positioned to take advantage of opportunities available through the 8(a) program?

Notes...



How the 8(a) program works.

Notes...

Driven by Several Key Components

How the 8(a) Program Works

- SBA's role
 - Business development assistance
 - Business development support
 - Contract opportunities
- Role of the tribal 8(a) program participant
 - Capitalize on available business development assistance and support
 - Learn about government buying needs
 - Market to the government
 - Submit information annually to the SBA to prove eligibility

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The program is driven by several key components. SBA plays a pivotal role, but the core of the program is focused on business development assistance, business development support, finding contract opportunities and marketing.

The most important role, however, is played by 8(a) firms themselves. Each of these components is explained in the following sections.

SBA's Role

How the 8(a) Program Works

- Program policy guidance
- Review and certify eligible clients
- Assign SBA personnel, *Business Opportunity Specialists*, to 8(a) participating firms
- Provide business development assistance
- Help identify contract opportunities for 8(a) participating entities
- Review progress of 8(a) certified businesses and tribal concerns

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As the administrator of the program, SBA provides program policy guidance, reviews and certifies eligible clients, assigns SBA personnel -- Business Opportunity Specialists -- to approved 8(a) entities, provides business development assistance, helps in identifying potential contract opportunities and reviews the progress of participating 8(a) concerns.

SBA's role is to build a strong resource-rich program -- that helps 8(a) tribal enterprises to become and remain competitive in the economic mainstream.

Business Development Assistance
How the 8(a) Program Works

- Business counseling and mentoring
- Online and traditional training
- Surety bond guarantees
- Contract marketing guidance
- Able to acquire federal government surplus property
- Other management and technical assistance

13 CFR 124.404-124.405

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Aiding 8(a) tribal enterprises with business development assistance is core to the program. This assistance takes many forms, but includes, business counseling and mentoring; online and traditional training; surety bond guarantees; contract marketing guidance; acquiring federal government surplus property; and, other forms of management and technical assistance.

Competitive strength comes from knowledge, financial support and technical assistance – all of which can be gained through SBA’s business development initiatives.

Notes...

Business Development Support

How the 8(a) Program Works

- Helping firms:
 - register in the [System for Award Management \(SAM\)](#)
 - find contract opportunities
 - maintain a current business plan with a procurement strategy
 - and other support
- Working with agencies and prime contractors to direct contracts to small firms
- Assigning Business Opportunity Specialists (BOS)s to work individually with participating 8(a) firms

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Providing management, technical and financial assistance is one aspect of the program. Another key dimension is providing business development support to 8(a) clients.

This SBA support is varied and can include: helping 8(a) program clients register in the System for Award Management or SAM --- which is a national database of firms seeking to do business with the federal government as well as prime contractors. SBA will also help firms to understand and use government tools to find contract opportunities, assists clients in developing and maintaining a current business plan with a defined procurement strategy, and provides assistance in many other ways. This assistance can be beneficial to a tribal business.

Importantly, SBA also works with federal agencies and prime contractors ---- encouraging them to set aside, breakout or otherwise make contracts available to 8(a) and other small firms. In other words, SBA markets the technical capabilities of small businesses to federal buying entities.

In addition, each 8(a) firm is assigned a Business Opportunity Specialist by the SBA. The assigned specialist helps guide the 8(a) business during its tenure in the program.

Contract Opportunities

How the 8(a) Program Works

- SBA staff and Procurement Center Representatives (PCRs) work closely with government and private organizations to identify procurement opportunities for small firms
- Government-wide procurement goals that benefit small businesses
 - 23% -- Overall small business goal
 - 5% -- **Small disadvantaged businesses**
 - 5% -- Women owned small businesses
 - 3% -- Certified HUBZone firms
 - 3% -- Service-disabled veteran-owned small businesses

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The federal government buys in excess of \$600 billion dollars in goods and services each year.

Government-wide procurement goals help define another aspect of the 8(a) program. Such goals establish procurement targets for agencies that benefit small disadvantaged businesses and other small firms.

SBA personnel, specifically Procurement Center Representatives, work closely with government and private organizations to identify procurement opportunities for small businesses and to help target specific acquisitions for 8(a) participating firms.

In addition, government policy and SBA staff encourage federal agencies to meet or exceed annual small business procurement goals. The current government-wide goal for prime and subcontracts to small disadvantaged businesses is 5%. Overall, however, the government-wide small business goal for all prime contracts is 23%.

Other government-wide procurement goals include: 5 percent of prime and subcontracts for women-owned small businesses; 3 percent of prime and subcontracts for Hubzone businesses and 3 percent of prime and subcontracts for service-disabled veteran-owned small businesses.

Role of 8(a) Tribal Businesses

How the 8(a) Program Works

- SBA opens the door....
- 8(a) client firms must be competitive and market themselves competitively
- Successful 8(a)tribal firms **capitalize** on available business development resources, **educate** themselves on government buying needs, and **market** themselves based on skills and ability to meet such needs

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Finally, in describing how the program works, the most important role is played by the 8(a) firms, themselves.

SBA may be able to open some doors, but it is up to the tribal 8(a) firms in the program to be competitive and to market themselves effectively.

It's all about preparation and self-marketing. Successful 8(a) firms **capitalize** on available business development resources, **educate** themselves on government and corporate buying needs, and **market** themselves based on their skills and ability to support the procurement needs of multiple organizations.

Notes...

Reflection...

How the 8(a) Program Works

- Can the 8(a) program be used successfully by your tribe as a business development tool?
- How can this be accomplished?
- What specific steps should your tribe take to make this happen?



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Reflection...

Can the 8(a) program be used successfully by your tribe as a business development tool? How can this be accomplished? Importantly, what specific steps should your tribe take to make this happen?

Notes...



Program eligibility requirements for tribally owned enterprises.

Notes...

Eligibility – Tribally Owned Businesses
8(a) Program Eligibility

- Special rules
- Tribal eligibility
- Business eligibility

13 CFR 124.109

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Eligibility for the 8(a) program is uniquely defined for tribally owned businesses. As such, there are special rules and unique tribal and business eligibility requirements.

Notes...

Special Rules
8(a) Program Eligibility

- Special rules
 - Initial 8(a) eligibility --- 13 CFR 124.109
 - Remaining in the 8(a) program as a participant --- 13 CFR 124.112

13 CFR 109(a)

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Special rules apply to tribal enterprises regarding both initial 8(a) program eligibility and eligibility to remain in the 8(a) program as a participant.

Notes...


Tribal Eligibility
8(a) Program Eligibility

- Social disadvantage
- Economic disadvantage
- Required forms and documents

13 CFR 109(b)

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Tribal eligibility in the program requires specific evidence of social and economic disadvantage. It also requires specific forms and documents to be submitted at the time of application.

Notes...

Social Disadvantage

8(a) Program Eligibility – Tribal Eligibility

- An Indian tribe as defined in 13 CFR 124.3 is considered to be socially disadvantaged

"An Indian tribe means any Indian tribe, band nation or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the U.S. to Indians because of their status as Indians, or is recognized as such by the state in which the tribe, band, nation, group or community resides"

13 CFR 124.3

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Regarding social disadvantage and for the purposes of the 8(a) program, an Indian tribe -- as defined in 13 CFR 124.3 -- is considered to be socially disadvantaged.

Notes...

Economic Disadvantage

8(a) Program Eligibility – Tribal Eligibility

- Indian tribe must demonstrate to the SBA that the tribe itself is economically disadvantaged
 - Number of tribal members
 - Present tribal unemployment rate
 - Per capita income of tribal members
 - Percentage of local Indian population below the poverty level
 - Tribe's access to capital
 - Tribal assets
 - List of wholly or partially owned tribal enterprises or affiliates

13 CFR 124.109(b)(2)

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Regarding economic disadvantage, 8(a) program eligibility requirements require that the tribal applicant's tribe, demonstrate to the SBA that it is economically disadvantaged. To do this, SBA will consider a number of factors, including:

- number of tribal members;
- present tribal unemployment rate;
- per capita income of tribal members, excluding judgment awards;
- percentage of the local Indian population below the poverty level;
- tribe's access to capital;
- tribal assets as disclosed in a current tribal financial statement; and
- the aggregate of wholly or partially owned tribal enterprises or affiliates.

Importantly, once an Indian tribe establishes that it is economically disadvantaged in connection with the application for one tribally-owned firm, it does not have to reestablish such status in order to have other businesses that it owns, certified for 8(a) program participation, unless specifically requested to do so by the SBA.

Required Forms and Documents

8(a) Program Eligibility – Tribal Eligibility

- Tribal applicant is required to submit all of the same documents generally required by all other 8(a) applicants
- Other tribal specific documents required include:
 - Copy of tribal governing documents
 - Evidence of tribal recognition for special programs and services
 - Copies of articles of incorporation and bylaws as filed with the organizing or chartering authority, or similar documents needed to establish and govern a non-corporate legal entity
 - Documents to show tribe's economically disadvantaged status

13 CFR 124.109(b)(3)

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A tribal applicant is required to submit all of the same documents generally required by all other 8(a) applicants.

However, a tribally owned business is also required to submit additional tribal specific documentation, including: a copy of the tribal governing documents; evidence of tribal recognition for special U.S. programs and services; copies of articles of incorporation and bylaws as filed with the organizing or chartering authority, or similar documents needed to establish and govern a non-corporate legal entity; and, documents to demonstrate the tribe's economically disadvantaged status.

Notes...

Tribal Business Eligibility

8(a) Program Eligibility

- Legal business entity organized for profit
- Size
- Ownership
- Control and management
- Individual eligibility limitation
- Potential for success

13 CFR 124.109(c)

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Besides tribal eligibility requirements, there are business eligibility requirements for the 8(a) program that must be complied with as well. These requirements focus on the legal structure of the tribal business, the size of the concern, ownership rights, control and management of the enterprise, individual eligibility limitation and the potential for success of the tribal enterprise.

Legal Business Entity Organized for Profit

8(a) Program Eligibility – Tribal Business Eligibility

- Applicant must be a separate and distinct legal entity organized by the tribe, federal or state authorities
- Governance documentation *must express sovereign immunity language, or “sue and be sued” clause* which designates U.S. federal courts to be among the courts of competent jurisdiction for all matters relating to SBA's programs, including, but not limited to 8(a) program participation, loans and contract performance
- Tribal enterprise must be organized for profit and the tribe must possess economic development powers in the tribe's governing documents

13 CFR 124.109(c)1

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The tribal 8(a) applicant must be a separate and distinct legal entity organized or chartered by the tribe, federal or state authorities. The tribal firm's articles of incorporation, partnership agreement or limited liability company articles of organization must contain sovereign immunity waiver language, or a “sue and be sued” clause which designates U.S. federal courts to be among the courts of competent jurisdiction for all matters relating to SBA's programs.

Importantly, the waiver of sovereign immunity language may require special board or tribal government approval, depending on the tribal firm's structure. If the waiver language, however is not included in the documentation, the firm will be denied admission into the 8(a) program.

Also, the tribal enterprise must be organized for profit, and the tribe must possess economic development powers in the tribe's governing documents.

Size

8(a) Program Eligibility – Tribal Business Eligibility

- Tribally owned applicant must qualify as a small business and certify as such to the SBA, pursuant to the provisions in 13 CFR 121
- In determining the small business size standard, the Indian tribe – or wholly owned business of the tribe – will be determined independently without regard to its affiliation with the tribe, any entity of the tribal government or any other business enterprise owned by the tribe

13 CFR 124.109(c)2

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Business size matters. A tribally owned applicant must qualify as a small business concern as defined for purposes in 13 CFR 121. The particular size standard to be applied is based on the primary industry classification or NAICS code of the applicant concern.

Also, in determining the size of a small business owned by an Indian tribe, or a wholly owned business entity of the tribe, the firm's size shall be determined independently without regard to its affiliation with the tribe, any entity of the tribal government, or any other business enterprise owned by the tribe, unless the SBA Administrator determines that one or more such tribally-owned businesses have obtained, or are likely to obtain, a substantial unfair competitive advantage within an industry category.

Notes...

Ownership

8(a) Program Eligibility – Tribal Business Eligibility

- For corporate entities, a tribe must unconditionally own at least 51 percent of the voting stock and at least 51 percent of the aggregate of all classes of stock
- For non-corporate entities, a tribe must unconditionally own at least 51 percent interest
- Tribe may not own 51% or more of another firm which, either at the time of application or within the previous two years, has been operating in the 8(a) program under the same primary NAICS code as the applicant

13 CFR 124.109(c)3

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With regards to ownership, a tribe must unconditionally own at least 51 percent of the ownership or stock of the business concern.

A tribe may not own 51% or more of another firm which, either at the time of application or within the previous two years, has been operating in the 8(a) program under the same primary NAICS code as the applicant. However, a tribe may own a participant or other applicant that conducts or will conduct secondary business in the 8(a) program under the NAICS code which is the primary NAICS code of the applicant business.

In addition, once an applicant is admitted to the 8(a) program, it may not receive an 8(a) sole source contract that is a follow-on contract to an 8(a) contract that was performed immediately previously by another participant owned by the same tribe.

Regarding ownership, please review the slide and noted regulation for greater clarity.

Control and Management

8(a) Program Eligibility – Tribal Business Eligibility

- Management and daily business operations of a tribally owned business must be controlled by the tribe
- Tribal business may be controlled by the tribe through one or more individuals who possess sufficient management experience of an extent and complexity needed to run the concern
 - Management may be provided by non-tribal members if SBA determines that such management is required to assist the firm's development
 - Tribe must retain control of all management decisions common to boards of directors
 - Plan must be in place to demonstrate how tribal members can grow in managerial skills

13 CFR 124.109(c)4

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The management and daily business operations of a tribally owned business must be controlled by the tribe.

However, such control may be exercised through one or more individuals who possess sufficient management experience to run the business. That is, management may be provided by non-tribal members if SBA determines that such management is required to assist the firm's development. In such cases, the tribe must retain control of all management decisions common to boards of directors, including strategic planning, budget approval, and the employment and compensation of business officers. In addition, a plan must be in place to demonstrate how tribal members can grow in managerial skills.

This is an important element in the eligibility and application process. Use the regulatory site noted in the slide to gain additional clarity regarding this matter.

Individual Eligibility Limitation

8(a) Program Eligibility – Tribal Business Eligibility

- Individual eligibility limitation – there is none
- SBA does not deem an individual involved in the management or daily business operations of a tribally owned business to have used his or her individual eligibility within the meaning of “one-time eligibility”

13 CFR 124.108(b)

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There is no individual eligibility limitation. That is, SBA does not deem an individual involved in the management or daily business operations of a tribally-owned business to have used his or her individual eligibility within the meaning of “one-time eligibility,” as described in 13 CFR 124.108(b).

Notes...

Potential for Success

8(a) Program Eligibility – Tribal Business Eligibility

- Tribal applicant may establish potential for success by demonstrating that:
 - It has been in business for at least two years, as evidenced by income tax returns for each of the two previous tax years ; or
 - Individual or individuals who will manage and control the daily business operations of the firm have substantial technical and management experience, the applicant has a record of successful performance on contracts from governmental or nongovernmental sources in its primary industry category, and the applicant has adequate capital to sustain its operations and carry out its business plan as an 8(a) participant; or
 - Tribe has made a firm written commitment to support the operations of the applicant concern and it has the financial ability to do so

13 CFR 124.109(c)6

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A Tribally-owned concern may establish potential for success by demonstrating that:

- it has been in business for at least two years, as evidenced by income tax returns for each of the two previous tax years showing operating revenues in the primary industry in which the applicant is seeking 8(a) certification; or
- the individual or individuals who will manage and control the daily business operations of the firm have substantial technical and management experience, the applicant has a record of successful performance on contracts from governmental or nongovernmental sources in its primary industry category, and the applicant has adequate capital to sustain its operations and carry out its business plan as a participant; or
- the tribe has made a firm written commitment to support the operations of the applicant concern and it has the financial ability to do so.

Other Eligibility Criteria

8(a) Program Eligibility – Tribal Business Eligibility

- Tribally owned applicant may not be denied admission into the program due solely to a determination that specific contract opportunities are unavailable to assist the development of the applicant firm, unless:
 - Government has not previously procured and is unlikely to procure the types of products or services offered by the concern
 - Purchase of such products or services by the government will not be in quantities sufficient to support the developmental needs of the applicant and other program participants providing the same or similar items or services

13 CFR 124.109(c)7

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As with other 8(a) applicants, a tribally owned applicant may not be denied admission into the program due solely to a determination that specific contract opportunities are unavailable to assist the development of the applicant firm, unless: the government has not previously procured and is unlikely to procure the types of products or services offered by the business; or the purchase of such products or services by the government will not be in quantities sufficient to support the developmental needs of the applicant and other program participants providing the same or similar items or services.

Notes...

Reflection...

8(a) Program Eligibility

- Does your tribe and the tribal business or businesses within your tribe meet the eligibility requirements of the 8(a) program?

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Reflection...

Does your tribe and the tribal business or businesses within the tribe meet the eligibility requirements of the 8(a) program?

Notes...



The application process.

Notes...

Applying to the 8(a) BD Program
Application Process

- **STEP 1.** Verify tribal eligibility compliance
- **STEP 2.** Gather what you need (supporting documentation)
- **STEP 3.** Ask questions
- **STEP 4.** Register in the System for Award Management (SAM)
- **STEP 5.** Register in SBA's General Login System (GLS)
- **STEP 6.** Complete and submit the online 8(a) program application

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If you feel you are qualified and only when you are ready to apply – should you apply for 8(a) program certification.

The application process is not difficult. However, like any important application process it does require solid preparation, meaningful thought and a certain level of due diligence. It makes sense to do it right, the first time. No business wants to waste time and resources going through the motions and then not realizing what is expected.

So, we recommend that six steps be followed in the application process. Each of these steps is discussed in the following.

Step 1. Verify Tribal Eligibility Compliance

Application Process

Before you begin the application process, verify tribal eligibility requirements:

- Must be able to demonstrate social disadvantage as a tribal entity
- Tribe must be able to show economic disadvantage
- Tribal business must meet legal, size, ownership, character, management & control and potential for success standards
- Carefully review 13 CFR 124.109(b) and 13 CFR 124.109(c)

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Not every business enterprise is eligible for 8(a) program certification. Before you begin the application process, make sure you meet the core tribal eligibility requirements. This is step one.

Notes...

Step 2. Gather What You Need
Application Process

Learn more about...

[Tribally Owned Business Checklist](#)
[Sample 8\(a\) Program Application](#)

13 CFR 124.203

13 CFR 124.203

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The 8(a) program is statutorily authorized and specific eligibility requirements are strictly adhered-to and monitored by the SBA.

As you prepare to apply for 8(a) program certification, you will be asked to provide, identify, demonstrate and validate much information. Therefore, it's important to assemble key tribal, business, governance, ownership, tax and other pertinent information to have readily available during the application process and BEFORE you attempt to complete the electronic 8(a) program application. This is step two.


Use the hyperlinked – Tribally Owned Business Checklist – to review and better understand what supporting documentation will be required by the SBA. Also, take a look at a blank copy of the 8(a) application to better understand what you will need.

Step 3. Ask Questions
Application Process

- You don't know what you don't know...
- Review eligibility requirements, checklist, blank 8(a) program application, documentation you gathered and then --- ASK QUESTIONS

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As mentioned earlier, no business wants to waste time and resources going through the motions and then not getting what is expected. That is why step three is critical.

You don't know what you don't know. Make a point of becoming informed. Review eligibility requirements, the checklist, blank 8(a) application, documentation you gathered, and then, importantly, ask questions of SBA district office staff and others, experienced and qualified in the 8(a) program.

Notes...

Step 4. Register in SAM (System for Award Mgmt)
Application Process

Learn more about...
[System for Award Management \(SAM\)](#)

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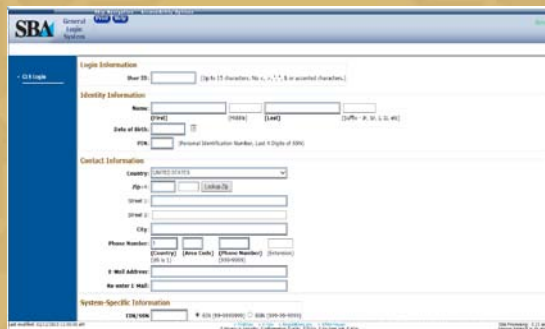
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Step four, register in the System for Award Management.

To do business with the federal government and to be certified under the 8(a) program, you must register in the System for Award Management or SAM, which is a database and government-wide single point of vendor registration. Within the SAM system, you must also complete the Small Business Supplemental Page. Use the hyperlink to learn more about the SAM system and to register your tribal business.

Step 5. Access & Register in GLS (General Login) Application Process



The screenshot shows the SBA General Login System registration form. The form is titled "SBA General Login System" and includes the following sections:

- Login Information:** A field for "User ID" with a note "(Up to 15 characters. No a-z, A-Z, & no accented characters.)".
- Identity Information:** Fields for "Name", "SSN", "DOB", "Last 4 of SSN", and "PIN" (Personal Identification Number, Last 4 Digits of PIN).
- Contact Information:** Fields for "Country" (dropdown menu), "Zip", "Street", "City", "Phone Number" (Country, Area Code, Phone Number, Extension), and "E-Mail Address" (No asterisk & Mail).
- System-Specific Information:** A field for "CDS/104" and a "Remember Me" checkbox.

[Access & Register in GLS](#)

www.sba.gov/naa



Step five, access and register in the General Login System.

To apply for 8(a) certification, you must register for an account in SBA's General Log-in System, more commonly referred to as GLS. The GLS system provides a single log-in point for all SBA services. This single-entry point streamlines and simplifies service delivery to our clients.

To access the 8(a) program electronic application, you will first have to login to SBA's GLS system.

Step 6. Complete & Submit Application...

Application Process

SBA Account Login

User ID:

Password:

Login Clear

[Sign Out](#)

[Login](#)

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Step 6, complete and submit the 8(a) electronic application.

Notes...

Reflection...

Application Process

- Is your tribal business ready to apply for 8(a) certification?
- Have you meaningfully considered each of the six 8(a) program application steps?

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Reflection...

Is your tribal business ready to apply for 8(a) certification? Have you meaningfully considered each of the six 8(a) program application steps?

Notes...



Key questions and answers.


FAQs
Key Questions & Answers

Learn more...

- [13 CFR 124](#)
- [Tribally Owned Businesses](#) - FAQs
- [8\(a\) Program Certification](#) – FAQs
- [Acquire Surplus Property](#) - FAQs

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Sometimes the best approach to learn about a program is to review frequently asked questions and answers. Several good sources for such information include: 13 CFR 124 -- which is a comprehensive review of the 8(a) program and developed in a question and answer format; tribally owned Businesses FAQs; 8(a) program certification FAQs; and, FAQs about acquiring surplus property.

Notes...

Reflection...

Key Questions & Answers

- Knowledge is power. Does your tribe know enough about the 8(a) program to consider using it as a business development tool for the tribe?
- Who are the other members of your tribe who could benefit from reviewing this training module about the 8(a) program?

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Reflection...

Knowledge is power. Does your tribe know enough about the 8(a) program to consider using it as a business development tool for the tribe? Who are the other members of your tribe who could benefit from reviewing this training module about the 8(a) program?

Notes...



Resources and tools.

Notes...

Resources and Tools

Resources & Assistance

- Federal Acquisition Regulations
 - <https://www.acquisition.gov/far>
- SBA-Office of Native American Affairs (*Helpful Specific Information Available*)
 - <http://www.sba.gov/naa>
- FAR Part 19 – Small Business Programs
 - <http://www.acquisition.gov/far>
- Code of Federal Regulations (13CFR)
 - <http://www.gpoaccess.gov/cfr/index.html>
- Federal Business Opportunities
 - <http://www.fbo.gov>
- SBA-Government Contracting
 - <http://www.sba.gov/aboutsba/sbaprograms/gc/index.html>

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Numerous resources are available to assist tribal enterprises in learning more about and participating in the 8(a) Business Development Program.

Resources and Tools

Resources & Assistance

- Learn more about:
 - [SAM Registration](#)
 - [SBA Size Standards](#)
 - [8\(a\) Business Development Program](#)
 - [WOSB Program](#)
 - [HUB Zone Program](#)
- Local (client) resources:
 - [SBA district office](#) (Business Opportunity Specialists)
 - [Procurement Technical Assistance Center \(PTAC\)](#)
 - [Government Contracting Classroom](#) (free online courses)
 - [SCORE chapter](#)
 - [Small Business Development Center](#)
 - [SBA/SBDC Program Office](#)
 - [Women's Business Center](#)
 - [SBA/WBC Program](#)

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Use these resources to become better informed and improve your chances of being a successful tribal participant in the 8(a) program.

Notes...

Find a Mentor
Resources & Assistance

- SBA's Mentor-Protégé Program offers significant benefits to tribal 8(a) firms
 - Technical and management assistance
 - Prime contracting
 - Financial assistance
 - Qualification for other SBA programs

Learn more about...
[SBA's Mentor-Protégé Program](#)

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And finally, a very helpful resource program for tribal 8(a) firms is SBA's Mentor-Protégé Program.

This relationship building resource-initiative is designed to enhance the capability of tribal and other 8(a) participants to compete more successfully for federal contracts. The program encourages 8(a) firms to partner with experienced contracting firms, serving as mentors.

Under the program, 8(a) firms can gain significant benefits, including: technical and management assistance; prime contracting support; financial assistance in the form of equity or loans; and, qualification for other SBA programs.

Notes...

Reflection...

Resources & Assistance

- How can businesses within your tribe use the Mentor Protégé Program to benefit the tribe's overall goals for business growth?
- What else should your tribe do to learn more about the 8(a) program and how the program can be used to benefit your tribe?



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Reflection...

How can businesses within your tribe use the Mentor Protégé Program to benefit the tribe's overall goals for business growth? What else should your tribe do to learn more about the 8(a) program and how the program can be used to benefit your tribe?

Notes...

Contact Us...
Resources & Assistance

- Thank you for taking the time to review the course, Tribal Enterprise and learn about the 8(a) Business Development Program
- Other available courses --- www.sba.gov/gclassroom
- Please contact us with any questions you may have

U.S. Small Business Administration
Office of Native American Affairs
Office of Government Contracting and Business Development
Division of Program Certification & Eligibility
202 205-5852
8abd@sba.gov

Tribal Enterprise

www.sba.gov/naa 

Thank you for taking the time to review the course, Tribal Enterprise and learn about the 8(a) Business Development Program.

Much information has been discussed and we hope it is helpful. Please contact us with any additional questions you may have.

In addition, this is one of many training modules currently available in SBA's online **Government Contracting Classroom**. Consider reviewing other courses at your convenience.

Thank you.

Notes...

Office of Native American Affairs

Resources & Assistance

- SBA's Office of Native American Affairs is pleased to have collaborated with the Office of Government Contracting and Business Development in the development of this training module for tribally owned businesses

U.S. Small Business Administration

Office of Native American Affairs

Office of Government Contracting and Business Development

Tribal Enterprise

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SBA's Office of Native American Affairs is pleased to have collaborated with the Office of Government Contracting and Business Development in the development of this training module for tribally owned businesses.

Notes...

Hyperlinks Contained in the Workbook

- Tribal Business Structure Handbook
 - http://www.irs.gov/pub/irs-tege/tribal_business_structure_handbook.pdf
- Tribal Enterprise Developer's Guide
 - <http://oecbd.org/sites/default/files/Tribal%20Enterprise%20Developer's%20Guide.pdf>
- Tribally Owned Business Checklist
 - <http://www.sba.gov/sites/default/files/files/TriballyOwnedConcernChecklist0512revised.pdf>
- Sample 8(a) Program Application
 - http://www.sba.gov/sites/default/files/SBA%20Form%201010_0.pdf
- Tribally Owned businesses – FAQs
 - <http://www.sba.gov/sites/default/files/files/TriballyOwnedConcernFAQ0812revised.pdf>
- 8(a) Program Certification – FAQs
 - <https://sba8a.symlicity.com/applicants/faqs>
- Federal Acquisition Regulations
 - <https://www.acquisition.gov/far>
- 13 CFR 124
 - <http://www.gpo.gov/fdsys/pkg/CFR-2006-title13-vol1/content-detail.html>
- SBA's Mentor-Protégé Program
 - <http://www.sba.gov/content/mentor-prot%C3%A9g%C3%A9-program>
- System for Award Management
 - <http://www.sam.gov>
- FAR Part 19 – Small Business Programs
 - <http://www.acquisition.gov/far>
- Access & Register in GLS

- https://eweb.sba.gov/gls/dsp_addcustomer.cfm?IMAppSysTypNm=8ASDB
- Code of Federal Regulations (13CFR)
 - <http://www.gpoaccess.gov/cfr/index.html>
- Federal Business Opportunities
 - <http://www.fbo.gov>
- SBA-Government Contracting
 - <http://www.sba.gov/aboutsba/sbaprograms/gc/index.html>
- Learn more about:
 - [Non-manufacturer waivers](#) (SBA information)
 - [SBA Size Standards](#)
 - [8\(a\) Business Development Program](#)
 - [WOSB Program](#)
 - [HUB Zone Program](#)
- Local (client) resources:
 - [SBA district office](#)
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 - [SCORE chapter](#)
 - [Small Business Development Center](#)
 - [SBA/SBDC Program Office](#)
 - [Women’s Business Center](#)
 - [SBA/WBC Program](#)