

SBA's 8(a) Business Development Program - Decision Letter

May 13, 2022 07:46 PM UTC *Read* from **Van Tran**

Alex Bush, President
Marathon Technology Solutions, Inc.
1430 Progress Way Suite 117
Eldersburg, MD 21784-6485

Dear Mr. Bush:

Congratulations! Your firm has been certified as a Participant in the U.S. Small Business Administration's (SBA) 8(a) Business Development (BD) Program. Your nine (9) year program term begins on the date of this letter.

During participation in the 8(a) BD Program, you will receive business development assistance from an assigned Business Opportunity Specialist in the Baltimore District Office. The phone number is (410) 962-6195 and email address baltimore_do@sba.gov. We are sending a copy of this certification letter to the SBA Baltimore District Office. That office will contact you to schedule an orientation session. This could take up to 4-6 weeks. In the meantime, there are steps you should take to start your participation in the program.

Next Steps:

- **Read and Sign the Participation Agreement:** SBA requires the 8(a) Participant's highest-ranking officer, the individual upon whom eligibility is based, to sign the Participation Agreement showing he or she understands the conditions of the 8(a) BD program participation. Please find the Agreement attached with this letter. Read the Agreement carefully, sign and date it, and make a copy for your records. Once connected with your assigned Business Opportunity Specialist, please provide your signed electronic copy of your Participation Agreement.
- **Develop Your Business Plan:** We encourage you to start developing your business plan. Each newly admitted Participant must submit its business plan to SBA as soon as possible after program admission. Once approved, the business plan will be reviewed annually and may be modified as appropriate. SBA will suspend your firm from receiving 8(a) BD program benefits, to include 8(a) contracts, if you do not submit your business plan to your assigned Business Opportunity Specialist within 60 days after program admission. We offer an optional format for business plans. The optional 8(a) Business Plan, Form 1010C, is located at <https://www.sba.gov/sites/default/files/SBA%201010C.pdf>.

Develop Your Strategy for Winning Contracts in Year 1: Though your firm's approved North American Industry Classification System (NAICS) Code is 541511, your firm may be awarded contracts under other NAICS Codes, as long as your firm is determined to be responsible to perform the required service or task. In this regard, please note that contracts awarded under the

8(a) BD Program authority generally result from the self-marketing efforts of participating firms. You must build relationships with potential federal customers, pursue federal prime contractors for subcontracts, and actively pursue prime contract opportunities to grow your business. Successful 8(a) firms regularly respond to competitive small business contracting opportunities posted on beta.sam.gov.

- **Complete Training:** SBA has training courses that will benefit 8(a) Participants. You will learn the different strategies and tactics to win contracts and grow your business, and how to effectively use the 8(a) certification to position your company for sole-source awards and teaming. For firms in the first 12 months of program participation, five training courses will be offered. The training courses are: 1: How to do Business with the Federal Government, 2: Bids and Proposals, 3: Federal Acquisition Regulation (FAR) and Code of Federal Regulations (CFR) Overview, 4: Market Research in Federal Procurement, and 5: Capabilities: Statement and Briefings. This training is offered via interactive webinars and can be coordinated through your respective District Office Business Opportunity Specialist.
- **Utilize Resources:** There are valuable FREE resources available to you right now that offer expertise in all areas of business operation including reviewing your business plan and strategy. Three resources that you can utilize today are:
- **SBA Resource Partners:** I encourage you to locate your nearest Resource Partner at the following link: <https://www.sba.gov/tools/local-assistance>. This link will also provide access to upcoming small business events and the webpage for your District SBA Office.
- **7(j) Management and Technical Assistance:** While your firm's acceptance into the 8(a) BD program is not a guarantee for contracts, the SBA will make every effort to assist you in implementing your business plan and strategy. Your success in the program is dependent upon the extent to which you take advantage of SBA's efforts to support you. One of the agency's major tools for your success is the **7(j) Management and Technical Assistance Services Program**. The trainings and classes offered can be an integral part of achieving your business objectives and goals.
- **8(a) Surplus Property:** Among the resources that are designed to foster the business growth and development of 8(a) BD program Participants, the Federal Surplus Property program provides a great opportunity for 8(a) firms to access additional equipment and items needed to expand and grow their business. SBA has 45 signed Memorandum of Agreements with General Services Administration and State Agencies for Surplus Property to provide this resource. The Federal Surplus Property program is available in most states. Please let your Business Opportunity Specialist know if your firm is interested in the Federal Surplus Property program.
- **SBA's Surety Bond Guarantee Program** helps small businesses establish or increase bonding capacity. Bond guarantees increase eligibility for contracts up to \$10 million. Go to www.sba.gov/osg to find an SBA authorized agent.

- As a certified firm in the 8(a) Business Development Program, **you MAY** use the [SBA 8\(a\) Certified Icon](#) on your business' website, business cards, social media profiles, and in your capability statements and proposal bids. However, **you MAY NOT** use the digital icon to express or imply endorsement of any goods, services, entities, or individuals. Thus, **they may not be used** on a company's letterhead, marketing materials or advertising, whether paid or PSA, traditional or digital.
- Instructions:
 1. Click on the "[SBA 8\(a\) Certified Icon](#)" hyperlink in this letter;
 2. Under General Materials, click on "Decals and Web Icons";
 3. The Icons should download on your computer; select "Open File"; and
 4. Select/use **only** the Icon(s) that reflect the Program(s) in which you are currently certified

Please contact your assigned [SBA District Office](#) if you have any questions. I am excited about your future and welcome you as an 8(a) BD Program Participant. Wishing you much success!

Sincerely,

Dr. Donna L. Peebles,
Associate Administrator
Office of Business Development

How are we doing? Please let us know by taking a brief survey: 8(a) Program Customer Feedback Survey

U.S. Small Business Administration
8(a) Program - Participation Agreement
(revised December 2015)

To participate in the Small Business Administration Business Development (BD) 8(a) program, I/we agree to the following terms and conditions of program participation:

1. **Financial Data**
- 2.
3. I/we agree to submit financial statements (balance sheet and income statement) as required by SBA. I/we acknowledge, unless granted certain waivers by SBA, that submission of the following financial statements are mandatory and a condition of program participation:
- 4.
5. Audited annual financial statements from a licensed independent public accountant for those concerns with actual receipts of more than \$10,000,000. Statements must be submitted within 120 days after the close of the firm's fiscal year, and must be prepared in accordance with Generally Accepted Accounting Principles (GAAP) with a breakdown of 8(a) and non-8(a) revenue.
6. Reviewed annual financial statements from a licensed independent public accountant for those concerns with gross annual receipts of \$2,000,000 to \$10,000,000. Statements must be submitted within 90 days after the close of the firm's fiscal year and must be prepared in accordance with GAAP with a breakdown of 8(a) and non-8(a) revenue.
7. For Participants with gross annual receipts of less than \$2,000,000: an annual statement prepared in-house or a compilation statement prepared by a licensed independent public accountant, verified as to accuracy by an authorized officer, partner, limited liability member, or sole proprietor of the Participant, including signature and date. Statements must be submitted to SBA within 90 days after the close of the concern's fiscal year, with a breakdown of 8(a) and non-8(a) revenue.
8. When the SBA decides it is vital to obtain a more thorough verification of a concern's financial position, audited or reviewed annual and/or quarterly statements may be required from a licensed independent public accountant. This may occur when a concern's capacity to perform a specific 8(a) contract must be determined or when needed to determine continued program eligibility.
9. In accordance with § 124.602(a)(1), and in lieu of section 1.a above, Participants with gross annual receipts of more than \$10,000,000 which are owned by a Tribe, Alaska Native Corporation, Native Hawaiian Organization, or the Community Development Corporation may elect to submit unaudited financial statements within 120 days after the close of concern's fiscal year, provided the following additional documents are submitted simultaneously:
10. Audited financial statements for the parent company owner of the Participant, prepared by a licensed independent public accountant, for the equivalent fiscal year.
11. Certification from the Participant's Chief Executive Officer and Chief Financial Officer (or comparable positions) that each individual has read the unaudited financial

statements, affirms that the statements do not contain any material misstatements, and certifying that the statements fairly represent the Participant's financial condition and result of operations

12. In accordance with § 124.602(g), Participants owned by Tribes, ANCs, NHOs and CDCs may submit consolidated financial statements prepared by the parent entity that include schedules for each 8(a) BD Participant instead of separate audited financial statements for each individual 8(a) Participant. If one Participant must submit an audited financial statement, then the consolidated statement and the schedules for each 8(a) Participant must be audited.

13.

14. **Personal and Business Income Tax Returns:**

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16. I/we agree to annually submit copies of personal and business Federal income tax returns FILED with the IRS. I/we understand and acknowledge the criminal penalties and administrative remedies for making false statements. Title 18 U.S.C. § 1001 and Title 15 U.S.C. § 645.

17.

18.

19. **Program Termination:**

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21. I/we agree that my (our) firm may be terminated from the 8(a) BD program prior to the expiration of the concern's Program Term for good cause upon the occurrence of one or more of the following examples cited at 13 CFR § 124.303:

22.

23. Submission of false information in the concern's 8(a) BD application, regardless of whether correct information would have caused the concern to be denied admission to the program, and regardless of whether correct information was given to SBA in accompanying documents or by other means.

24.

25. Failure by the concern to maintain its eligibility for program participation, including failure by an individual owner or manager to continue to meet the requirements for economic disadvantage set forth in §124.104 where such status is needed for eligibility.

26. Failure by the concern for any reason, including the death of an individual upon whom eligibility was based, to maintain ownership, full-time day-to-day management, and control by disadvantaged individuals.

27. Failure by the concern to obtain prior written approval from SBA for any changes in ownership or business structure, management or control pursuant to §§124.105 and 124.106.

28. Failure by the concern to disclose to SBA the extent to which non-disadvantaged persons or firms participate in the management of the Participant business concern.

29. Failure by the concern or one or more of the concern's principals to maintain good character.

30. A pattern of failure to make required submissions or responses to SBA in a timely manner, including a failure to provide required financial statements, requested tax returns, reports, updated business plans, information requested by SBA's Office of

Inspector General, or other requested information or data within 30 days of the date of request.

31. Cessation of business operations by the concern.
32. Failure by the concern to pursue competitive and commercial business in accordance with its business plan, or failure in other ways to make reasonable efforts to develop and achieve competitive viability.
33. A pattern of inadequate performance by the concern of awarded section 8(a) contracts.
34. Failure by the concern to pay or repay significant financial obligations owed to the Federal Government.
35. Failure by the concern to obtain and keep current any and all required permits, licenses, and charters, including suspension or revocation of any professional license required to operate the business.
36. Excessive withdrawals that are detrimental to the achievement of the targets, objectives, and goals contained in the Participant's business plan, including transfers of funds or other business assets from the concern for the personal benefit of any of its owners or managers, or any person or entity affiliated with the owners or managers (see §124.112(d)).
37. Unauthorized use of SBA direct or guaranteed loan proceeds or violation of an SBA loan agreement.
38. Submission by or on behalf of a Participant of false information to SBA, including false certification of compliance with non-8(a) business activity targets under §124.507 or failure to report changes that adversely affect the program eligibility of an Applicant or Program Participant under §124.204 and §124.112, where responsible officials of the 8(a) BD Participant knew or should have known the submission to be false.
39. Debarment, suspension, voluntary exclusion, or ineligibility of the concern or its principals pursuant to 2 CFR parts 180 and 2700 or FAR subpart 9.4 (48 CFR part 9, subpart 9.4).
40. Conduct by the concern, or any of its principals, indicating a lack of business integrity. Such conduct may be demonstrated by information related to a criminal indictment or guilty plea, a criminal conviction, or a judgment or settlement in a civil case.
41. Willful failure to comply with applicable labor standards and obligations.
42. Material breach of any terms and conditions of the 8(a) BD Program Participation Agreement.
43. Willful violation by a concern, or any of its principals, of any SBA regulation pertaining to material issues.
- 44.
45. I/we acknowledge that the examples of good cause for termination listed above are illustrative only. Other grounds for terminating a Participant from the 8(a) BD program for cause exist and may be used by SBA.
- 46.
47. **Discriminatory Prohibitions**
- 48.
49. I/we give assurance that the concern will comply with Parts 112, 113, and 117 of Title 13 of the Code of Federal Regulations. They prohibit discrimination on the grounds of race, color, sex, religion, marital status, handicap, age or national origin.
- 50.

51. **Access to Records**

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53. I/we agree to fully cooperate with any and all requests from authorized government officials (including auditors and investigators from SBA or other agencies) for examination of business records and any other information deemed necessary by such officials for legitimate program purposes. Furthermore, I/we agree to participate in any interviews which may be requested by such authorized government official(s).

54.

55. **Business Plan**

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57. I/we agree that the business plan submitted by this firm to the SBA will include specific targets, objectives and goals for the business development of the Program Participant (hereinafter referenced as "Development Goals"). When SBA determines that the Participant has substantially achieved its Development Goals, I/we further agree that SBA may early graduate the firm from the 8(a) BD Program.

58.

59. I/we agree, upon certain changes, to submit a modified business plan and updated information to my/our BOS within 30 days after the close of each program year (i.e., mentor protégé agreement, joint venture, change in primary NAICS code, and change in firm DUNS number). I/we also agree to submit a capability statement describing current contract performance capabilities as part of the updated business plan.

60.

61. **Annual Review of Participation Agreement and Annual Review Documentation**

62.

63. I/we agree to annually submit all of the required annual review documentation and to annually review the Participation Agreement, signing and dating it as part of the annual review submission. I/we acknowledge that the signature and date represents that I/we have read and agree to abide by the Participation Agreement and the 8(a) BD regulations, 13 C.F.R. § 124, which can be found at <https://www.ecfr.gov/cgi-bin/text-idx?SID=d98b4a86a3c0c4c34453795005466d2a&mc=true&node=pt13.1.124&rgn=div5>.

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67. **Acceptance of Participation Agreement**

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69. Name of Concern:

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80. Signature of Owner/Authorized
Officer Title

Date

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86. Print Name

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