

06/21/12

**POLICY ALERT**  
**No. 12-39**  
**Justification and Approval of Sole Source 8(a) Contracts**

**REFERENCES:** Policy Alert 11-44 Rev.001 dated May 2, 2012 (hereby rescinded).  
Federal Register: March 16, 2011 (Volume 76, Number 51)  
Federal Acquisition Circular 2005-50 dated March 16, 2011  
Item III - Justification and Approval of Sole Source 8(a) Contracts  
(FAR Case 2009-038 Interim Rule)  
Federal Register: April 18, 2012 (Volume 77, Number 75)  
Federal Acquisition Circular 2005-58 dated April 18, 2012  
Item III - Justification and Approval of Sole-Source 8(a)  
Contracts (FAR Case 2009-038 Final Rule)  
Federal Register: June 14, 2012 (Volume 77, Number 115)  
Federal Acquisition Circular 2005-58 Correction dated June 14, 2004,  
Justification and Approval of Sole-Source 8(a) Contracts (FAR Case  
2009-038 Correction to Final Rule)

**TYPE OF ACTION:** Correction to Final Rule

**EFFECTIVE DATE:** June 14, 2012

**SUMMARY:** The final rule adopted without change the interim rule that amended the Federal Acquisition Regulation (FAR) to implement section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). The section required the head of an agency to execute and make public prior to award, the justification for an 8(a) sole-source contract in an amount exceeding \$20 million. This correction removes language “and make public”. It should now read, “This section requires the head of an agency to execute prior to award, the justification for an 8(a) sole-source contract in an amount exceeding \$20 million.”

**ACTION REQUIRED:** Contracting Officers will work with Program Managers, Contracting Officer Representatives, and small business specialist to seek out 8(a) firms for new acquisitions for supplies and services. In addition, the Contracting Officer shall prepare a Justification and Approval for sole-source contracts over \$20 million prior to awarding to an 8(a) firm.

This Policy Alert is effective on the date indicated above, and remains in effect until incorporated into the acquisition policy, as appropriate, or until otherwise rescinded.

You may direct comments/questions on this Policy Alert to the Contract Policy and Pricing Branch at 303-676-3985.

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