

Kaiva Services

Kaiva Services, a tribally-owned 8(a) firm, specializes in diverse federal contracting services, delivering innovative, secure, and standards-based solutions on time and on budget in mission-critical settings.

OUR CERTIFICATIONS



IN PARTNERSHIP WITH:



SVEGO

Off Grid Electric Vehicle Solution



Today's Solution for the Mission of Tomorrow
Built modularly for future expansion potential, ability to tie into grid power, DoD Gen Set connectability, relocatable, and fully customizable.

1. Actual total output power dependent upon EV and charger models.
2. Range will vary based on location conditions.

Leasable Sustainable Solution

- 80 Amp 19.2 kw Ford Lightning F150 Compatible EV Charger ¹
- 120 kWh battery storage solution
- Battery warranty 8,000 cycles or 15 yrs
- Up to 480 e-mile range ²
- 11 kWh Solar Array
- Footprint 10' x 20' & scaleable
- Emergency power generation source
- No engineering, construction, or utility connections required
- Temperature control for use in 0-120 F
- Network capability with remote monitoring and maintenance services
- Wind load 180 mph
- Rapid deployment, relocatable
- UL Listing 9540 & 9540A

Benefits

1. Monthly maintenance costs and connecting/monitoring costs included in lease
2. Reduces to minimal: PM, Facilities maintenance, contracting timelines, and reduced initial upfront cost; amortizing over the 5-year term
3. EV technology will be changing, and we will be able to upgrade the EV chargers to the newer technology

SHIVWITS BAND OF PAIUTES

The Shivwits Band of Paiutes has been a sovereign Indian Tribe since time immemorial. Living as an independent and strong Shivwits Band for centuries, the Tribe is a federally recognized tribe of the Southern Paiutes located in southwestern Utah.

Patent Pending

CLEAN HYBRID POWER GENERATION

AWARD PROCESS

Qualified Native American Tribal 8(a) businesses can be awarded sole-source contracts up to \$100M for DoD & up to \$25M for federal & civilian agencies, without J&A, per the revision of Section 811 of the NDAA



AGENCY PROGRAM MANAGER

- Establishes Requirement
- Prepares SOW & Procurement Request
- Identifies 8(a) Firm - Market Research



BUDGET OFFICER

- Authorizes Funding



CONTRACTING OFFICER

- Identifies 8(a) Firm as the most capable
- Offers the requirement to the SBA for the 8(a) Firm



SBA

- Accepts requirements on behalf of the 8(a) Firm
- Authorizes agency to conduct negotiations with 8(a) Firm



CONTRACTING OFFICER

- Issues RFP to the 8(a) Firm



8(a) FIRM

- Submits technical and cost proposal to the Contracting Officer in response to the RFP



CONTRACTING OFFICER

- Performs technical and price analysis



8(a) FIRM

- Negotiates final price and deliverables with the Contracting Officer



CONTRACTING AWARD

- Contracting Officer assembles contract and forwards to SBA
- Government Agency, SBA and 8(a) Firm executes contract

Unlimited Sole Source Set-Aside Contract Value Authority

FAR 19.805 Competitive 8(a); 19.805-1 General

Where an acquisition exceeds the competitive threshold (\$4M), The SBA may accept the requirement for a sole source 8(a) award if the SBA accepts the requirement on behalf of a concern owned by an Indian tribe or Alaska Native Corporation.

Past Performance FAR

FAR 15.305(2)(iii)

Past Performance information is one indicator of an offeror's ability to perform the contract successfully. The solicitation provides offerors an opportunity to identify past or current contracts relevant to the requirement and evaluate problems encountered on the identified contracts and the offeror's corrective actions

Our Clients



NAICS Codes

541611, 236220, 238210, 238220, 238290, 332510, 334111, 334210, 334220, 334290, 334310, 334511, 517311, 518210, 541330, 541350, 541512, 541513, 541519, 561210, 561621, 561622, 335999

SBA Business Opportunity Specialist

SCOTT CARLSON

U.S. Small Business Administration
Utah District Office

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The Tribally-owned 8(a) Sole Source Process

8(a) Policy Considerations

Since taking office, the Biden Administration has taken action to increase small business participation and promote equitable access to disadvantaged groups, including Tribally-owned 8(a) participants, for procurement opportunities. The Administration has publicly stated its commitment to increasing small business government contracting and procurement opportunities and through Executive Order has set an "equity agenda" calling on agencies to promote such opportunities.ⁱ Taken together, these actions require that agencies affirmatively consider support for underserved communities, including Tribally-owned 8(a) participants, when engaging in acquisition planning.

8(a) Regulatory Authorities

The statutory and regulatory authorities governing the U.S. Small Business Administration's (the "SBA") 8(a) program, and more particularly 8(a) participants owned and controlled by an Indian Tribe, provide expedited procedures and increased dollar thresholds to facilitate award of contracts to these entities.ⁱⁱ **DFAR 206.303-1(a)** provides that a no justification and approval is required for a sole-source contract under the 8(a) authority (15 U.S.C. 637(a)) for an amount **not exceeding \$100 million**.ⁱⁱⁱ **FAR 19.808-1(a)** provides that an agency other than the Department of Defense may award a sole source contract to an 8(a) entity without a justification and approval (FAR 6.303) if the anticipated dollar value of an award is less than \$25M. If the anticipated dollar value of an award is greater than \$25M for an agency other than DoD or greater than \$100M for DoD, then a justification and approval is required.^{iv}

With regard to Tribally-owned 8(a) participants, **13 CFR 124.506(b)(3)** states that there is no requirement that a procurement must be competed whenever possible before it can be accepted on a sole source basis for a Tribally-owned concern. Another advantage of sole source awards, as a matter of agency acquisition planning, is that under **13 CFR 124.517**, an 8(a) award is not protestable. When combined, these authorities afford agencies reduced acquisition cycle timelines by eliminating the need for extensive market research efforts and lengthy solicitations and proposal evaluations, which are both labor intensive activities, while simultaneously ensuring that the agency's decision to sole source to an 8(a) participant may proceed to performance immediately upon award.

8(a) Procedures

Under **FAR 1.102-2**, Government must not hesitate to communicate with industry as early as possible in the acquisition cycle to help the Government determine the capabilities available in the marketplace. See 87 Fed. Reg. 73902, Final rule Dec. 1, 2022 (effective Dec. 31, 2022). Awarding sole source contracts to Tribally-owned 8(a) participants significantly reduces acquisition complexity by streamlining the pre-solicitation process. Sole source awards to Tribally-owned 8(a) participants can be made in as little as one week and often in no more than forty-five (45) days. The steps include:

- 1) Develop Statement of Work and Budget Letter** – The contracting officer drafts an Offer Letter addressing the elements of **FAR 19.804-2** for the District Office that services the 8(a) participant. The SBA will not accept a sole source 8(a) contract that exceeds **\$25 million for agencies other than DoD** or \$100 million for DoD unless the contracting officer has prepared a justification in accordance with **FAR 6.303**.
- 2) Send Sole Source Intent Letter to SBA Specialist*** – The SBA will determine whether an appropriate match exists where the contracting officer identifies a particular 8(a) participant for sole source award.
- 3) SBA verifies letter and eligibility and sends acceptance letter to contracting officer** – The SBA will provide an acceptance letter to the contracting officer instructing the contracting officer to begin negotiations with the 8(a) participant or the SBA may elect to participate in the negotiations.
- 4) Contracting officer conducts negotiations with contractor** – The contracting officer sends the statement of work or a solicitation including the statement of work to the selected 8(a) participant. The 8(a) participant returns a proposal. Since the 8(a) participant has already demonstrated its ability to meet the technical requirements of the contract, the contracting officer conducts price analysis of the 8(a) participant's proposed pricing use the methods of **FAR 13.106-3** or **15.404-1(b)**.
- 5) Contracting officer and contractor establish mutually acceptable terms and price** – Following determination of price reasonableness and schedule, the contracting officer makes the award.

* Kaiva's SBA Business Opportunity Specialist (BOS): Scott Carlson, Utah District – scott.carlson@sba.gov / 801.657.1371

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- i See Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, 86 Fed. Reg. 7009 (Jan. 20, 2021)).
 - ii The 8(a) Program takes its name from one of the sections of the Small Business Act that authorizes it. The program is also governed by Section 7(j) of the act. The Clinton Administration changed the program's name from the Minority Small Business and Capital Ownership Development Program to the 8(a) Business Development program in 1988 "to emphasize that individuals need not be members of minority groups and to stress the importance of assisting participating firms in their overall business development." See SBA, "Small Business Size Regulations: 8(a) Business Development/Small Disadvantaged Business Status Determinations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals," 63 Federal Register 35727, June 30, 1998.
 - iii A provision in the National Defense Authorization Act for Fiscal Year 2020 raised the threshold for DOD sole source 8(a) contracts to over \$100 million, which DOD implemented on March 17, 2020. A DOD class deviation on March 17, 2020 implemented the increased threshold in section 823(a) of the National Defense Authorization Act for Fiscal Year 2020. Pub. L. No. 116-92, § 823(a). Office of the Under Secretary of Defense, Acquisition and Sustainment, Class Deviation—Justification and Approval Threshold for 8(a) Contracts, March 17, 2020. This class deviation was incorporated in the DFARS on June 5, 2020. 85 Fed. Reg. 34528, Final rule, June 5, 2020 (effective June 5, 2020); DFARS §§ 206.303, 219.808.
 - iv On October 1, 2020, the threshold for sole-source 8(a) awards requiring a justification and approval for civilian agencies was raised to those over \$25 million. See 85 Fed. Reg. 62485, Final rule, Oct. 2, 2020 (effective Oct. 1, 2020).