SBA Finalizes New Rules for Mentor Protégé Program

Water Infrastructure Legislation Still a Possibility in 2020, as WRDA Talks Continue in Congress

Updated Resources Available to Members

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Last week, the Small Business Administration (SBA) finalized rules to consolidate its two mentor-protégé programs to eliminate duplication and streamline the process for small business joint ventures to better compete for federal contracts. The program has historically helped small business contractors to team up with larger companies and create joint ventures eligible for the same federal set-aside contracts as the smaller partner. Although, the proposed rule contemplated limiting the size of mentor construction firms to those with less than $100M in annual revenue, the final rule opted to omit this requirement. Significant push-back from the construction industry, including SFAA, persuaded the SBA to continue to allow firms of all sizes to participate as mentors under the program. One additional change of note in the final rule is the elimination of the SBA’s review of the Joint Venture Agreements prior to awarding an 8(a) contract to a joint venture, in that the SBA appears to be placing this responsibility on the private market by relying on the size protest process available to other offerors.

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Although conversations around COVID relief funding for state and local infrastructure budgets is cooling in advance of the election, committee chairs in Congress are continuing bipartisan negotiations on conferencing their respective versions of Water Resources Development Act (WRDA) before the end of the year. As a reminder, both the Senate and House passed bipartisan bills water infrastructure bills earlier this year and are currently engaged in preconference negotiations to resolve differences between the House and Senate versions. Recently, there has been encouraging signs that lawmakers are closing in on a compromise and it is a real possibility that the final bill will be sent to President Trump before year end. Although it has not been released, the final WRDA bill will likely reauthorize the Clean Water State Revolving Fund, and direct millions to the Environmental Protection Agency for the Water Infrastructure Finance and Innovation Act program and for municipal grants for stormwater reuse and wastewater overflow. SFAA strongly supports further investment in our national water infrastructure.

Updated Resources Available to Members

The End-of-Session reports can be found here.

The Proposed and Adopted Rules can be found here.

The New Bonding Opportunities can be found here.

The Law Library can be found here.

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