

**FY2023 MODEL SMALL BUSINESS SUBCONTRACTING PLAN**

CONTRACTOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

CONTRACT NUMBER: \_\_\_\_\_

Unique Entity Identifier \_\_\_\_\_

ITEM/SERVICE: \_\_\_\_\_

PERIOD OF CONTRACT  
PERFORMANCE: \_\_\_\_\_  
(DAY, MONTH, AND YEAR)

**Small Business Representations Waiver for Small Business Subcontracting Plan**

Contractor represents that (Please select one of the following only if there are no subcontracting opportunities):

- It is a Small Business as defined in 13 CFR Part 121
- There are no subcontracting opportunities available with respect to this agreement for the following reasons:

TOTAL CONTRACT AMOUNT (Breakout Options):

\$ _____	\$ _____	\$ _____	\$ _____
Base year or	Option #1	Option #2	Option #3
Multi-year amount	(If applicable)	(If applicable)	(If applicable)

TOTAL MODIFICATION AMOUNT, IF APPLICABLE: \$ \_\_\_\_\_

The following is a suggested model for use when developing subcontracting plans as required by P.L. 95-507 and implemented by Federal Acquisition Regulations (FAR) Subpart 19.7. While this model plan has been designed to be consistent with statutory and regulatory requirements, other formats of a subcontracting plan may be acceptable; however, failure to include the essential information as exemplified in this model may be cause for either a delay in acceptance or the rejection of a bid or offer when a subcontracting plan is required. Further, the use of this model is not intended to waive other requirements that may be applicable under statute or regulation. "SUBCONTRACT," as used in this clause, means any agreement (other than one involving an employer-employee relationship) entered into by a federal Government prime contractor or subcontractor calling for supplies or services required for performance of the contract or subcontract.

1. **TYPE OF PLAN** (*please check one*)

**Individual Contract Plan** - Individual Contract Plan, as used in this subpart, means a subcontracting plan that covers the entire contract period (including option periods), applies to a specific contract, and has goals that are based on the offeror's planned subcontracting in support of the specific contract, except that indirect costs incurred for common or joint purposes may be allocated on a prorated basis to the contract.

**Master Plan** - Master Plan, as used in this subpart, means a subcontracting plan that contains all of the required elements of the individual plans, except goals, and may be incorporated into individual contract plans, provided the master plan has been approved.

**Commercial Products Plan** - Commercial Plan, as used in this subpart, means a subcontracting plan that covers the offeror's fiscal year and that applies to the entire production of commercial items sold by either the entire company or a portion thereof (e.g., division, plant, or product line). The contractor must provide a copy of the approved plan. ***NOTE: A commercial plan is the preferred type of subcontracting plan for contractors furnishing commercial items.***

## 2. GOALS

State separate dollar and percentage goals for small business, small, disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns, as subcontractors.

- a* Total estimated dollar value of all planned subcontracting, i.e., with all types of concerns eligible for small business subcontracting under this contract is \$\_\_\_\_\_.
- b* Total estimated dollar value and percent of planned subcontracting with small business concerns (includes small business, small, disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns): (% of "a") \$\_\_\_\_\_ *and* \_\_\_\_\_%.
- c* Total estimated dollar value and percent of planned subcontracting with small, disadvantaged business: (% of "a") \$\_\_\_\_\_ *and* \_\_\_\_\_%.
- d* Total estimated dollar value and percent of planned subcontracting with women-owned small business: (% of "a") \$\_\_\_\_\_ *and* \_\_\_\_\_%.
- e* Total estimated dollar value and percent of planned subcontracting with System for Award Management (SAM) certified HUBZone small business: (% of "a") \$\_\_\_\_\_ *and* \_\_\_\_\_%.



In accordance with FAR 19.502-2, awards greater than \$10,000 and less than \$250,000 to large businesses will include documentation which supports the decision to award to other than small business. Preference will be given to small business awards for purchases between \$10,000 and \$250,000 awarded through small purchase/simplified acquisition procedures where there is a reasonable expectation that bids, competitive as to price, quality, and delivery, will be obtained from two or more responsive small business concerns.

Contractor will for the acquisition of construction estimated to cost \$3.5 million or less (where there is a reasonable expectation that bids, competitive as to price, quality, and delivery, will be obtained from two or more responsive small business concerns), solicit and award to small, small disadvantaged, or small disadvantaged 8(a) businesses to the fullest extent practicable.

To further facilitate the Contractor's Small Business Program, Contractor will, without further documentation to the file, and based upon its unilateral decision, utilize the option of making awards without competition: (1) up to the simplified acquisition threshold (\$250,000) to small business concerns (including ANCs and Indian Tribes) in accordance with the Department of Energy Small Business Program Overview; Chapter 2, Section D (Discretionary Set-Asides) dated 12/10; (2) in accordance with FAR 19.805-1(2) for purchases valued at: (a) \$6.5 million or less for manufacturing North American Industry Classification System (NAIC) codes and \$4 million or less for all other acquisitions to registered Small Business Administration 8(a) Pilot Program firms; or (b) in accordance with FAR 19.1306(2) \$6.5 million or less for HUBZone small business within North American Industry Classification System (NAIC) codes for manufacturing or \$4 million or less for HUBZone small business within any other NAIC codes; and (3) in accordance with FAR 19.1406(2) sole source awards to service-disabled veteran-owned small business concerns for \$6 million or less for a requirement within the NAICS codes for manufacturing; or \$3.5 million for a requirement within any other NAICS codes.

To the extent practicable, Contractor shall accelerate payments to small business contractors with the goal of making payments within 15 days, when a proper invoice and all proper documentation, including acceptance, is received. Contractor also agrees to ensure that it will not prohibit a subcontractor from discussing with a Contracting Officer any materials pertaining to payment or utilization of a subcontractor.

Contractor will utilize HUBZone set-asides and HUBZone sole source methodologies in the award of subcontracts provided the acquisition meets requirements of FAR 19.1305 and FAR 19.1306(a) and in accordance with this plan and existing procurement practices.

To the extent practicable, the Contractor shall accelerate payments to small businesses (including ANCs and Indian Tribes) with the goal of making payments within 15 days, when a proper invoice and all proper documentation, including acceptance, is received by the Contractor's accounts payable office.

If Contractor is in compliance with the DOE Mentor-Protégé Program, then Contractor may award noncompetitive subcontracts of any dollar value to its Protégés recognized under the DOE Mentor-Protégé Program subject to the best commercial practices and procedures required by DEAR 970.4402-2(d). Further, Contractor may award noncompetitive subcontracts to a Protégé of another DOE Mentor contractor if those awards are made at fair market prices.

Contractor shall, to the maximum extent practicable, give a preference to small business in the award of subcontracts for projects funded by the American Recovery and Reinvestment Act (Recovery Act) of 2009.

See paragraph 7.C. for documentation of awards to large business with a value of \$150,000 or more.

j. The following method was used in developing subcontract goals:

1)	.
2)	.
3)	.
4)	.
5)	.

k. Indirect costs have been\_\_\_\_/ have not been\_\_\_\_included in the dollar and percentage subcontracting goals stated above. (*Please check one.*)

### 3. PROGRAM ADMINISTRATOR

Name, title, and position within the Contractor structure, and the duties and responsibilities of the employee who will manage the Contractor's subcontracting program.

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: (\_\_\_\_) - \_\_\_\_ - \_\_\_\_\_

**Duties:** Has general overall responsibility for the Contractor's subcontracting program, i.e., developing, preparing, and executing subcontractor plans and monitoring performance relative to the requirements of this particular plan. These duties include, but are not limited to, the following activities:

- a. Developing and promoting Contractor-wide policy initiatives that demonstrate Contractor's support for awarding contracts and subcontracts to small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business and assure that small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business are included on the services they are capable of providing;
- b. Ensuring periodic rotation of potential subcontractors;
- c. Ensuring that procurement "packages" are designed to permit the maximum possible participation of small business, small, disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business within Contractor policies and procedures;

- d. Facilitating the utilization of various sources for the identification of small business (including ANCs and Indian Tribes), small disadvantaged business (including ANCs and Indian Tribes), women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business such as the System for Award Management (SAM) (<https://www.sam.gov/>), the DOE's Acquisition Forecast, the Small Business Administration Dynamic Small Business Search, VetBiz Registry database, the U.S. Department of Commerce Minority Business Development Agency, SME Toolkit which includes members of the U.S. Advisory Council including the Asian American Business Development Center, Black Enterprise magazine, the Council of the Better Business Bureau, Latinos in Information, Sciences and Technology, the Native American Business Alliance, the Native American Chamber of Commerce, the US Hispanic Chamber of Commerce, the Women's President Organization, and the Women's Business Enterprise National Council, and the facilities of local small business, minority and women associations, and contact with federal agencies' small business program managers;
- e. Overseeing the establishment and maintenance of contract and subcontract award records;
- f. Attending or arranging for the attendance of Contractor personnel at Small Business Opportunity Workshops, Minority and Women Business Enterprise Seminars, Trade Fairs, Procurement Conferences, etc.;
- g. Ensuring small business, small, disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business are made aware of subcontracting opportunities as well as how to prepare responsive bids to the Contractor;
- h. Conducting and arranging of training for Procurement personnel regarding the intent and impact of Public Law 95-507 on procurement procedures;
- i. Monitoring the Contractor's performance and making any adjustments necessary to achieve the subcontract plan goals;
- j. Preparing and submitting required subcontract reports on a timely basis;
- k. Coordinating the Contractor's activities during the conduct of compliance reviews by federal agencies;
- l. Reviewing solicitation formats to remove statements, clauses, etc., which may tend to restrict or prohibit small business, small, disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, or service-disabled veteran-owned small business participation where possible.
- m. Ensuring that the reasons for **not** selecting low bids submitted by small business, small, disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business are documented.

- n. Ensuring the establishment and maintenance of records of solicitations and subcontract award activity;
- o. Ensuring that historically Black colleges and universities and minority institutions shall be afforded maximum practicable opportunity (if applicable);
- p. Assisting program managers as early as possible in the development cycle of major system acquisitions and system programs pertaining to the Small Business program; and
- q. Advising potential suppliers as to how they can obtain information about business opportunities with the Contractor and briefing the Contractor's Management and Executive Officers at least twice yearly concerning the status of small business, small, disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business utilization in relation to goals and objectives established.

#### **4.     EQUITABLE OPPORTUNITY**

The Contractor agrees to ensure that small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business will have an equitable opportunity to compete for subcontracts. These efforts include, but are not limited to, the following activities:

- a.     Outreach efforts to obtain sources
  - 1)     Contacting small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business trade associations, such as:
    - Local Small Business Development Centers
    - Local Procurement Technical Assistance Centers
    - Chicago Minority Business Development Center
    - National Association of Women Business Owners
    - Illinois Women and Minority Business Assistance
    - Hispanic American Construction Industry Association
    - Asian American Business Development Center
    - The Blue Book of Building and Construction

2) Contacting business development organizations such as:

- U.S. Department of Veterans Affairs
- U.S. Department of Commerce Minority Business Development Agency
- Asian American Business Development Center
- Illinois Hispanic Chamber of Commerce
- Native American Business Alliance
- Native American Chamber of Commerce
- US Hispanic Chamber of Commerce
- Women's President Organization
- Women's Business Enterprise National Council

3) Attending small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business procurement conferences and trade fairs, as budget permits such as:

- Chicago Business Opportunity Fair
- U.S. Department of Energy Small Business Conference, Expo & Matchmaking Events
- Annual Joint Industry/SBA Procurement Conferences
- Midwest Small Business Expo

4) Utilizing internet, newspaper and magazine ads to encourage new sources when funds are available to do so.

b. Internal efforts to guide and encourage Procurement personnel.

1) Presenting workshops and training programs;

2) Establishing, maintaining and using small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business source lists, guides, and other data for soliciting subcontracts, such as:

- SBA Small Business Dynamic Search Engine
- National Directory of Minority-Owned Business Firms
- Business Research Services 8(a) Sources
- City of Chicago Certification and Compliance System MWDBE Directors
- Federal Suppliers Guide
- State of Illinois Central Management Vendors Directory Search

- 3) Monitoring activities to evaluate compliance with the subcontracting plan(s).
- c. Small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business source lists, guides and other data identifying these types of business concerns will be maintained and utilized by buyers/subcontract specialists in sourcing suppliers.

## **5. FLOW-DOWN CLAUSE**

The Contractor agrees to include the provisions under FAR 52.219-8 entitled, "Utilization of Small Business Concerns," in all subcontracts in excess of the small purchase limitations that offer further subcontracting opportunities. All subcontractors, except small business concerns, that receive subcontracts (except those for commercial items) in excess of \$750,000 (\$1,500,000 for construction) of any public facility that offer further subcontracting opportunities must adopt and comply with a plan similar to the plan required by FAR 52.219-9, "Small Business Subcontracting Plan."

Such plans will be reviewed by comparing them with the provisions of Public Law 95-507, and assuring that all minimum requirements of an acceptable subcontracting plan have been satisfied. The acceptability of percentage goals shall be determined on a case-by-case basis depending on the supplies/services involved, the availability of potential small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business and prior experience. Once approved and implemented, plans will be monitored through the submission of periodic reports, and/or, as time and availability of funds permit, periodic visits to subcontractor's facilities to review applicable records and subcontracting program progress.

## **6. REPORTING AND COOPERATION**

The Contractor gives assurance of (1) cooperation in any studies or surveys that may be required by the contracting agency or the Small Business Administration; (2) submission of periodic reports which show compliance with the subcontracting plan; (3) submission of semi-annual reports to provide acquisition forecast data for subcontracting opportunities; (4) submission into the Electronic Subcontracting Reporting System (eSRS) of the Individual Subcontracting Report (ISR) and Summary Subcontracting Report (SSR), in accordance with the requirements of the eSRS; and (5) ensuring that large business subcontractors with subcontracting plans agree to submit the Individual Subcontracting Report and Summary Subcontracting Report, in accordance with the

requirements of the eSRS. Both Individual and Summary Subcontracting Reports submitted in the eSRS system must be sent for approval to the Small Business Liaison Officer's email address: [sblo@anl.gov](mailto:sblo@anl.gov).

The contractor gives assurance of providing the Contracting Officer with a written explanation if the contractor fails to acquire articles, equipment supplies, services, or materials or obtain the performance of construction work. This written explanation will be submitted to the Contracting Officer within 30 days of contract completion.

<b>Reporting Period</b>	<b>Report Due</b>	<b>Due Date</b>
Oct 1 - Mar 31	ISR	04/30
Apr 1 - Sept 30	ISR	10/31
Oct 1 - Sept 30	SSR	10/31

## **7. RECORD KEEPING**

The following is a recitation of the types of records the Contractor will maintain to demonstrate the procedures adopted to comply with the requirements and goals in the subcontracting plan. These records will include, but not be limited to, the following:

- a. Contractor uses SAM as its source for small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns and maintains a list of the guides and other data identifying such vendors;
- b. Organizations contacted in an attempt to locate small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business sources;
- c. On a contract-by-contract basis, records on all subcontract solicitations over \$250,000, which indicate for each solicitation (1) whether small business concerns were solicited, and if not, why not; (2) whether small disadvantaged business concerns were solicited, and if not, why not; (3) whether woman-owned small business concerns were solicited, and if not, why not; (4) whether HUBZone small business concerns were solicited, and if not, why not; (5) whether veteran-owned small business and/or service-disabled veteran-owned small business concerns were solicited, and if not, why not; and (6) the reason for the failure of solicited small business, small disadvantaged business, woman-owned small business, HUBZone small business, veteran-owned small business or service-disabled veteran-owned small business concerns to receive the subcontract award;
- d. Records to support other outreach efforts, e.g., contacts with minority and small business trade associations, attendance at small and minority business procurement conferences and trade fairs;
- e. Records to support internal guidance and encouragement, provided to buyers through (1) workshops, seminars, and training programs; and (2) monitoring of activities to evaluate compliance; and

- f. On a contract-by-contract basis, records to support subcontract award data including the name, address, and business size of each subcontractor.

*This subcontracting plan was submitted by: < Contractor >*

SIGNATURE: \_\_\_\_\_  
TYPEDNAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATEPREPARED: \_\_\_\_\_  
PHONENo.: \_\_\_\_\_

*This subcontracting plan was accepted by:*

APPROVAL: \_\_\_\_\_  
PRIME CONTRACTOR: \_\_\_\_\_  
TYPED NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE APPROVED: \_\_\_\_\_  
PHONENo: \_\_\_\_\_