

U.S. Department of Energy
And
Brookhaven Science Associates, LLC

ATTACHMENT J.8

APPENDIX H

FY13 – SMALL BUSINESS SUBCONTRACTING PLAN

Applicable to the Operation of
The Brookhaven National Laboratory

Contract No. DE-AC02-98CH10886
Modification No. M509

FY2013 SMALL BUSINESS SUBCONTRACTING PLAN

October 24, 2012

Identification Data

Contractor: **BROOKHAVEN SCIENCE ASSOCIATES, LLC**

Address: **BROOKHAVEN NATIONAL LABORATORY**
Upton, New York 11973-5000

Solicitation or Contract Number: **DE-AC02-98CH10886**

Item/Service: **BASIC RESEARCH**

Total Amount of the Contract for the Performance Period: \$ 613,162,000.

Period of Contract Performance: Oct. 1, 2012 through Sept. 30, 2013

1. Type of Plan

Individual Contract Plan – An Individual Contract Plan 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).

This Individual Contract Plan is for FY2013. Brookhaven Science Associates, LLC (BSA) small business goals are set for each fiscal year of the Contract.

2. Goals

BSA has established separate dollar and percentage goals for small business (including ANCs and Indian Tribes), small disadvantaged business (including Alaska Native Corporations [ANCs] and Indian Tribes), women-owned, HUBZone small business, and service-disabled veteran-owned small business concerns (hereafter referred to as the five small business categories) as subcontractors, as specified in FAR 19.704.

Subcontracting goals for each of the five small business categories (including ANCs and Indian Tribes) are included in Appendix 1.

Below is an estimate of the principal types of supplies and services to be subcontracted under this Contract, and an indication of the types planned for subcontracting to the five categories of small business (including ANCs and Indian Tribes) and large business.

<u>Subcontracted Supplies/Services</u>	<u>SB</u>	<u>SDB</u>	<u>WOSB</u>	<u>HUB</u>	<u>SDVOB</u>	<u>LB</u>
A & E	X	---	---	---	---	X
Construction	X	X	X	---	X	X
R & D	X	X	---	---	---	X
Services	X	X	X	X	X	X
Materials/Supplies	X	X	X	X	X	X
Electrical	X	X	X	X	X	X
IT (Computer)	X	X	X	X	X	X
Equipment (Major)	X	---	---	---	---	X

Note: The NAICS codes have not been included as the breadth of work subcontracted would require an extensive listing. The Small Business Liaison Officer (SBLO) will work directly with the procurement staff to ensure solicitations of small businesses (including ANCs and Indian Tribes) to the maximum extent possible.

The five small business categories (including ANCs and Indian Tribes) goals are based on consultations with the DOE. Potential suppliers will be identified using BSA's current vendor base, and various directories including: System for Award Management (SAM), the DOE-OSDBU Small Business Contacts Database, Women's Chamber of Commerce, The Suffolk County Women's Business Enterprise Coalition (SCWBEC), The Procurement Technical Assistance Center's (PTAC) Database, the Small Business Administration-Small Business Development Center (SBA-SBDC) databases, and sharing the Small Business databases from the other National Labs, etc. The areas to be subcontracted to each target small business group have been determined by historic references and current needs. Capabilities to provide goods and services are determined on an individual basis.

BSA will ensure timely payment of amounts due pursuant to the terms of its subcontracts with small business (including ANCs and Indian Tribes), small disadvantaged (including ANCs and Indian Tribes), woman-owned small business, HUB-Zone small business, veteran-owned small business and service-disabled veteran-owned small business concerns.

BSA will use Small Business Set Asides to support the small business goals stated in Appendix 1.

A. Small Business Set-Asides Types:

Small Business (including ANCs and Indian Tribes) Set-Aside:

Each acquisition of supplies or services with an anticipated dollar value exceeding the Micro-Purchase (\$3,000) but not over the Simplified Acquisition Threshold (\$150,000) (FAR 2.101) will be reserved exclusively for small business concerns (including ANCs and Indian Tribes) and shall be set aside for small business (including ANCs and Indian Tribes) unless there is not a reasonable expectation of

obtaining offers from two or more responsible small business concerns that are competitive in terms of market prices, quality, and delivery.

Construction set-asides:

Acquisition of construction estimated to cost \$4 million or less, including new construction, and repair and alteration of structures, shall be a small business set-aside (including ANCs and Indian Tribes). For acquisition in excess of \$4 million, small business (including ANCs and Indian Tribes) will be considered on a case-by-case basis.

Sole Source Procurements:

BSA may award contracts on a sole-source basis to these types of small Businesses (including ANCs and Indian Tribes):

1. Small Business Administration (SBA) certified 8(a) small businesses (including ANCs and Indian Tribes)
2. SBA certified Historically Underutilized Small Businesses (HUB) small businesses
3. Service-Disabled Veteran-Owned Small Business (SDVOB) small businesses

Awards on a sole source basis can be made when the small business (including ANCs and Indian Tribes) is determined to be a responsible contractor with respect to the performance of the contract opportunity; and the award can be made at a fair market price; and the anticipated value of the contract is under \$3.5 million (\$4 million for construction and \$6 million in the case of manufacturing NAICS codes) unless the award is being made to an Alaska Native Corporation (ANC). There will be no limit on the anticipated value of contracts awarded on a sole-source basis to ANC.

Additionally, a Protégé of any DOE Prime Contractor can be awarded a contract on a noncompetitive basis, without the need for a sole source justification for any value.

Note: Indirect costs have not been included in the dollar and percentage subcontracting goals stated in Appendix 1. *(LR: why does this have to be here? This is so out of place)*

3. Program Administrator

The Contractor's subcontracting program administrator is:

Name: Jill Clough-Johnston
Title: Small Business Liaison Officer
Address: Brookhaven National Laboratory
Procurement & Property Management Division
44 Ramsey Road

Shirley, New York 11967-4704

Telephone: 631 344-3173

Email: clough@bnl.gov

Duties: General overall responsibility for Brookhaven Science Associates (BSA) subcontracting program, i.e., developing, preparing, and executing subcontracting 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 laboratory-wide policy initiatives that demonstrate BSA's support for awarding contracts and subcontracts to the five small business categories (including ANCs and Indian Tribes).
- B. Making arrangements for the utilization of various sources for the identification of the five small business categories (including ANCs and Indian Tribes) through some of the following resources: System for Award Management (SAM), the DOE-OSDBU Small Business Contacts Database, Women's Chamber of Commerce, the Procurement Technical Assistance Center's Database, the SBA-SBDC databases, sharing the Small Business databases from the other National Labs, and the National Minority Business Directory, etc. This effort will be focused on identification of reliable, competitive suppliers in the areas where achieving small business goals has been a challenge.
- C. Attending or arranging for the attendance of small business counselors at various small business (including ANCs and Indian Tribes) opportunity workshops; the five small business categories (including ANCs and Indian Tribes) seminars, trade fairs, procurement conferences, etc.
- D. Ensuring the five small business categories (including ANCs and Indian Tribes) are made aware of subcontracting opportunities and basic prerequisites for the preparation of a responsive bid.
- E. Conducting or arranging for the conduct of training for purchasing personnel regarding the intent and impact of Public Law 95-507 on purchasing procedures.
- F. Supporting the PPM Compliance and Policy Manager in randomly reviewing procurements to ensure the maximum possible participation of the five small business categories (including ANCs and Indian Tribes).
- G. Monitoring the over \$650,000 (\$1,500,000 for construction) Large Business subcontractors' performance and making suggestions for the utilization of small business, where applicable, so that any adjustments necessary to achieve the subcontracting plan goals can be made.
- H. Preparing, inputting and submitting timely subcontracting reporting through the eSRS.

- I. Coordinating BSA's activities during the conduct of compliance reviews by Federal agencies.
- J. Assuring the integrity of supplier information by reviewing the Representations and Certifications including ensuring that supplier NAICS codes and socioeconomic classifications are included in the descriptions of new suppliers.

4. Equitable Opportunity

BSA will ensure that all of the five small business categories (including ANCs and Indian Tribes) have an equitable opportunity to compete for subcontracts. The various efforts include, but are not limited to, the following activities:

- A. Outreach efforts to obtain sources:
 - (i) The SBLO works with the Hauppauge Industrial Association (HIA), the Suffolk County Women's Business Enterprise Coalition (SCWBEC) and many other trade associations.
 - (ii) The SBLO also works with the: BNL/Stony Brook University/ Farmingdale College Small Business Development Centers (SBDC), the LaGuardia College – Procurement Technical Assistance Program (PTAP); and Small Business Administration (SBA),
 - (iii) Potential sources will be obtained from the SAM (formally CCR) database and other electronic medium.
 - (iv) Utilization of the Internet to obtain new sources.
- B. Internal efforts to guide and encourage purchasing personnel:
 - (i) Presenting workshops, seminars, and/or training programs, including training in the use of the SAM.
 - (ii) Establishing, maintaining, and using the five small business categories (including ANCs and Indian Tribes) source lists, guides, and other data for soliciting subcontracts, and encouraging procurement staff to utilize this data.
 - (iii) Monitoring activities to evaluate compliance with the subcontracting plan.
- C. Outreach efforts to promote small business development (including ANCs and Indian Tribes), will include:
 - (i) Maintaining an annual list of outreach events and activities to attend and participate in.

- (ii) Attending DOE annual small business conference and other small business (including ANCs and Indian Tribes) seminars and trade shows where it is expected that attendance will assist the identification of potential sources required to assist with reaching the small business goals.
- (iii) Working closely with both the on & off site SBDC's and the local SBA office.
- (iv) Networking with other M&O contractor SBLO's.
- (v) Working closely with CEGPA and other BSA directorates on outreach efforts.
- (vi) Providing contact information for 8(a) (including ANCs and Indian Tribes) and HUB-Zone small businesses to assist in achieving SBA certification.
- (vii) Maintaining an internal Small Business Policy.
- (viii) Participating in DOE SBPM conference calls.

5. Flow-Down Clauses

BSA will continue to include the provisions under FAR 52.219-8, "Utilization of Small Business Concerns", in all subcontracts that offer further subcontracting opportunities. BSA will also require all subcontractors, except small business concerns, that receive subcontracts in excess of \$650,000 (\$1,500,000 for construction) to adopt a plan that complies with the requirements of the clause at FAR 52.219-9, "Small Business Subcontracting Plan."

These plans will be reviewed against the provisions of Public Law 95-507 to assure that all minimum requirements of an acceptable subcontracting plan have been satisfied. The acceptability of percentage goals will be determined on a case-by-case basis depending on the supplies/services involved, the availability of the potential five small business categories (including ANCs and Indian Tribes) 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 subcontractors' facilities to review applicable records and subcontracting program progress.

6. Reporting and Cooperation

BSA will cooperate in any studies or surveys that may be required by the contracting agency or the Small Business Administration; submit any periodic reports such as utilization reports, which show compliance with the subcontracting plan; submit timely "Subcontracting Report for Individual Contracts," (ISR) and "Summary Subcontract Report," (SSR) in accordance with the instructions identified on the eSRS website

(www.esrs.gov); and ensure that large business subcontractors with subcontracting plans provide electronic input to the eSRS as required

7. Document Retention

Records will be maintained 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. A list of sources, guides and other data used to identify suppliers and vendors.
- B. Documents to support internal guidance and encouragement, provided to buyers through:
 - i. Workshops, seminars, training programs
 - ii. Monitoring of activities to evaluate compliance
- C. The procurement files for all subcontract solicitations over \$150,000 will contain AMS-Form-002 which indicates for each solicitation whether the five small business categories (including ANCs and Indian Tribes) were solicited, and if any of the solicited the small business concerns received a subcontract award, as well as a justification for not soliciting small businesses or failure to award a subcontract to a solicited small business.
- D. Representations and Certifications Information
 - 1. 8(a) certification approval through copies of their SBA certification letter (including ANCs and Indian Tribes).
 - 2. HUB-Zone certification approval through copies of their SBA certification letter.

8. Mentor-Protégé Program

BSA agrees to establish and implement an official DOE approved "Mentor-Protégé" in accordance with DOE DEARS Part 19. The Small Business Program Manager is the individual designated to administer this program.

9. Description of Good Faith Effort

BSA intends to use all reasonable and good faith efforts (as described in this Plan) to award the stated percentages of the final actual subcontract base amount with small business (including ANCs and Indian Tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, (including ANCs and Indian Tribes) and women-owned small business concerns. The following steps will be taken:

- A. Issue and promulgate company-wide policy statements in support of the five small business categories (including ANCs and Indian Tribes) effort. Develop written procedures and work instructions, and assign specific responsibilities regarding requirements of the applicable Public Law.
- B. Review specific procurement actions for possible acquisition from the five eligible small business categories (including ANCs and Indian Tribes).
- C. Demonstrate continuing management interest and involvement in support of this effort through such actions as regular reviews of progress.
- D. Train and motivate the BSA personnel regarding the need for the support of the five small business categories (including ANCs and Indian Tribes).
- E. Assist the five small business categories (including ANCs and Indian Tribes) by arranging solicitations, allowing time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns to enable these firms to compete fairly.
- F. Counsel and discuss subcontracting opportunities with the five small business categories (including ANCs and Indian Tribes).
- G. Execute Service Agreements, Teaming Agreements, and Basic Ordering Agreements with small business from the qualified five small business categories (including ANCs and Indian Tribes), as required, in an attempt to ensure availability and usage of subcontractor personnel to support BSA work efforts when required.
- H. Make available specifications, drawings, and other relevant data so that qualified, known small business, in the five small business categories (including ANCs and Indian Tribes), have an equal opportunity in preparing bids.
- I. Establish and maintain a categorized list of potential subcontractors with separate identification of the five small business categories (including ANCs and Indian Tribes).

FY2013 SMALL BUSINESS SUBCONTRACTING PLAN

October 24, 2012

This subcontracting plan was submitted by:

Signature:  Date: 24 Oct 2012

Typed Name: Don Rawlings
Title: Manager Procurement and Property Management

Approval:

Signature:  Date: 30 November 2012

Typed Name: Evelyn Landini
Title: Contracting Officer

FY2013 Small Business Subcontracting Plan – Appendix 1
October 24, 2012

Contractor: BROOKHAVEN SCIENCE ASSOCIATES, LLC

Address: BROOKHAVEN NATIONAL LABORATORY
Upton, New York 11973-5000

1. Total estimated dollar value of all planned subcontracting, (to all types of business concerns) under this contract, is \$ 370,000,000.
2. The following percentage goals (expressed in terms of a percentage of total planned subcontracting dollars) and associated dollars are applicable to the contract cited above and will be pursued on a best efforts basis consistent with good commercial practices and best value assessments:
 - (i) **Small Business (SB)** (including ANCs and Indian Tribes)
52.0% or \$ 192,400,000 of total planned subcontracting dollars under this contract will go to subcontractors who are small business (% of "A").
 - (ii) **8(a)/Small Disadvantaged Business (SDB)** (including ANCs and Indian Tribes)
5.0% or \$ 18,500,000 of total planned subcontracting dollars under this contract will go to subcontractors who are 8(a)/small disadvantaged business (including ANCs and Indian Tribes) (% of "A"). This percentage is included in the percentage shown under 2(i) above as a subset.
 - (iii) **Woman-Owned Small Business (WOB)**
5.0% or \$ 18,500,000 of total planned subcontracting dollars under this contract will go to subcontractors who are woman-owned small business (% of "A"). This percentage is included in the percentage shown under 2(i) above as a subset.
 - (iv) **HUB-Zone Small Business (HUB)**
3.0% or \$ 11,100,000 of total planned subcontracting dollars under this contract will go to subcontractors who are woman-owned small business (% of "A"). This percentage is included in the percentage shown under 2(i) above as a subset.
 - (v) **Service-Disabled Veteran-Owned Small Business (SDVOB)**
3.0% or \$ 11,100,000 of total planned subcontracting dollars under this contract will go to subcontractors who are service-disabled veteran-owned small business (% of "A"). This percentage is included in the percentage shown under 2(i) above as a subset.

Note: The dollar and percentage numbers are not inclusive of indirect costs