

SUPPLEMENT "D" - SUBCONTRACTING PLAN

[NOTE: Incorporate in Large Business Contracts Only]

**SUBCONTRACTING PLAN
SUBMITTED IN ACCORDANCE WITH
PUBLIC LAW 95-507**

1. Project Number:

2. Offeror's Name:

3. Name of Individual completing this Plan:

Telephone Number:

4. In accordance with FAR clause 52.219-9 the offeror's subcontracting plan shall include the following:

(1) Goals, expressed in terms of percentages of total planned subcontracting dollars, for the use of small business concerns, veteran-owned small business concerns, service-disabled veterans-owned small business concern, HUBZone small business concern, small disadvantaged business concerns, and women-owned small business concerns as subcontractors. The offeror or shall include all subcontracts that contribute to contract performance, and may include a proportionate share of products and services that are normally allocated as indirect costs.

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|---|----------|--------------|
| (i) Total dollars planned to be subcontracted | \$ _____ | <u>100</u> % |
| (ii) Total dollars planned to be subcontracted to small business concerns | \$ _____ | ____% |
| (iii) Total dollars planned to be subcontracted to veteran-owned small business concerns | \$ _____ | ____% |
| (iv) Total dollars planned to be subcontracted to service-disabled veteran-owned small business | \$ _____ | ____% |
| (v) Total dollars planned to be subcontracted to HUBZone small business concerns | \$ _____ | ____% |
| (vi) Total dollars planned to be subcontracted to small disadvantaged business concerns | \$ _____ | ____% |
| (vii) Total dollars planned to be subcontracted to women-owned small business concerns | \$ _____ | ____% |

(2) A description of the principal types of supplies and services to be subcontracted, and an identification of the types planned for subcontracting to (i) small business concerns, (ii) veteran-owned small business concerns, (iii) service-disabled veteran-owned small business concerns, (iv) HUBZone small business concerns (v) small disadvantaged business concerns and (vi) women-owned small business concerns. *(Attachment may be used.)*

(3) A description of the method used to develop the subcontracting goals in paragraph (d) (1) of this clause. *(Attachment may be used.)*

(4) A description of the method used to identify potential sources for solicitation purposes (e.g., existing company source lists, the Procurement Marketing and Access Network (PRO NET) of the Small Business Administration (SBA), veterans service organizations, the National Minority Purchasing Council Vendor Information Service, the Research and Information Division of the Minority Business Development Agency in the Department of Commerce, or small, HUBZone, small disadvantaged, and women-owned small business trade associations. A firm may rely on the information contained in PRO-Net as an accurate representation of a concern's size and ownership characteristics for the purposes of maintaining a small, veteran-owned small, service-disabled veteran-owned small, HUBZone small, small disadvantaged and women-owned small business source list. Use of PRO-Net as its source list does not relieve a firm of its responsibilities (e.g. outreach, assistance, counseling, or publicizing subcontracting opportunities in this clause. *(Attachment may be used.)*

(5) A statement as to whether or not the offeror included indirect costs in establishing subcontracting goals, and a description of the method used to determine the proportionate share of indirect costs to be incurred with (i) small business concerns; (ii) veteran-owned small business concerns; (iii) service-disabled veteran-owned small business concerns; (iv) HUBZone small business concerns; (v) small disadvantaged business concerns; and (vi) women-owned small business concerns. *[Refer to Paragraph (1)] (Attachment may be used.)*

(6) The name of the individual employed by the offeror who will administer the offeror's subcontracting program:

Name:

Title:

Street Address:

City, State, Zip Code:

Telephone Number:

Describe the duties of the individual named:
(Attachment may be used.)

(7) Describe the efforts that will be taken to assure that small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns will have an equitable opportunity to compete for subcontracts. The efforts include, but are not limited to the following activities: (Attachment may be used.)

(8) The Contractor agrees to include the clause of this contract entitled, "Utilization of Small Business Concerns", in all subcontracts that offer further subcontracting opportunities, and that the offeror will require all subcontractors (except small business concerns) that receive subcontracts in excess of \$500,000 (1,000,000 for construction of any public facility) must adopt a plan similar to the plan that complied with the requirements of this clause.

(9) The contractor gives assurance of (i) cooperation in any studies or surveys that may be required; (ii) submission of periodic reports so that the Government can determine the extent of compliance by the offeror with the subcontracting plan; (iii) Submission of Standard Form SF 294, "Subcontracting Report for Individual Contracts," and/or SF 295, "Summary Subcontract Report," in accordance with paragraph (j) of this clause. The reports shall provide information on subcontract awards to small business concerns, veteran-owned small business concerns, service-disabled veteran-owned small business concerns HUBZone small business concerns, small disadvantaged business concerns, women-owned small business concerns, and Historically Black Colleges and Universities and Minority Institutions; and (4) ensuring that subcontractors agree to submit SF 294 and 295. **Required reports must be furnished to: Project Manager, Small Business Administration and Office of Small and Disadvantaged Business Utilization (00SB) at 810 Vermont Avenue, N.W., Washington, DC 20420.**

(10) The contractor must main and describe in the plan the type of records that will be maintained concerning procedures that have been adopted to comply with the requirements and goals in the plan, including establishing source lists; and a description of the offeror's efforts to locate small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns and award subcontracts to them. The records shall include at least the following (on a plant-wide or company-wide basis, unless otherwise indicated):

- (i) Source lists (e.g., PRO-Net), guides , and other data that identify small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business and women-owned small business concerns;
- (ii) Organizations contacted in an attempt sources that are small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business and women-owned small business concerns;
- (iii) Records on each subcontract solicitation resulting in an award of more than \$100,000, indicating whether small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business and women-owned small business concerns were solicited, and if not, why not, and if applicable, the reason award was not made to a small business concern;
- (iv) Records of any outreach effort to contact trade associations; business development organizations; conferences and trade fairs to locate small, HUBZone small, small disadvantaged, and women-owned small business sources; and Veterans service organizations.

(v) Records of internal guidance and encouragement provided to buyers through workshops, seminars, training, etc., and monitoring performance to evaluate compliance with the program's requirements.

(vi) On a contract-by-contract basis, records to support award data submitted by the offeror to the Government, including the name, address, and business size of each subcontractor. Contractors having commercial plans need not comply with this request.

(e) In order to effectively implement this plan to the extent consistent with efficient contract performance, the Contractor shall perform the following functions:

(1) Assist small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns. Where the Contractor's lists of potential small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.

(2) Provide adequate and timely consideration of the potentialities of use of small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns in all "make-or-buy" decisions.

(3) Counsel and discuss subcontracting opportunities with representatives of small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business firms.

(4) Provide notice to subcontractors concerning penalties and remedies for misrepresentations of business status as small, veteran-owned small business, HUBZone small, small disadvantaged or woman-owned small business for the purpose of obtaining a subcontract that is to be included as part or all of a goal contained in the Contractor's subcontracting plan.

(f) A master plan on a plant or division-wide basis that contains all the elements required by paragraph (d) of this clause, except goals, may be incorporated by reference as a part of the subcontracting plan required of the offeror by this clause; provided --

- (1) The master plan has been approved;
 - (2) The offeror ensures that the master plan is updated as necessary and provides copies of the approved master plan, including evidence of its approval, to the Contracting Officer; and
 - (3) Goals and any deviations from the master plan deemed necessary by the Contracting Officer to satisfy the requirements of this contract are set forth in the individual subcontracting plan.
- (g) A commercial plan is the preferred type of subcontracting plan for contractors furnishing commercial items. The commercial plan shall relate to the offeror's planned subcontracting generally, for both commercial and Government business, rather than solely to the Government contract. Commercial plans are also preferred for subcontractors that provide commercial items under a prime contract, whether or not the prime contractor is supplying a commercial item.
- (h) Prior compliance of the offeror with other such subcontracting plans under previous contracts will be considered by the Contracting Officer in determining the responsibility of the offeror for award of the contract.
- (i) The failure of the Contractor or subcontractor to comply in good faith with (1) the clause of this contract entitled "Utilization of Small Business Concerns;" or (2) an approved plan required by this clause, shall be a material breach of the contract.
- (j) The contractor shall submit the following reports:
- (1) Standard Form 294, Subcontracting Report for Individual Contracts. This report shall be submitted to the Contracting Officer semiannually and at contract completion. The report covers subcontract award data related to this contract. This report is not required for commercial plans.

(2) Standard Form 195, Summary Subcontract Report. This report encompasses all the contracts with the awarding agency. It must be submitted semi-annually for contracts with the Department of Defense and annually for contracts with civilian agencies. If the reporting activity is covered by a commercial plan, the reporting activity must report annually all subcontract awards under that plan. All reports submitted at the close of each fiscal year (both individual and commercial plans) shall include a breakout, in the Contractor's format, of subcontract awards, in whole dollars, to small disadvantaged business concerns by North American Industry Classification System (NAICS) Industry Subsector. For a commercial plan, the Contractor may obtain from each of its subcontractors a predominant NAICS Industry Subsector and report all awards to that subcontractor under its predominant NAICS Industry Subsector.

11 . I, the undersigned, a designated officer of

[Company Name]

do herewith assure that this concern will include the clause required by this contract in all subcontracts which offer further subcontracting opportunities, and that as the prime contractor we will require all subcontractors (except Small Business concerns) who receive subcontracts in excess of \$1,000,000 in the case of a contract for construction of any public facility, or in excess of \$500,000 in the case of all other contracts, to adopt a plan similar to this plan. I further assure that as the prime contractor we will submit such periodic reports and cooperate in any studies or surveys as may be required by the Contracting Federal Agency or the Small Business Administration in order to determine the extent of compliance to this plan. *[Refer to pages 3 and 4, paragraphs 4.(8) and (9)]*

Signature

Title