

1 AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE PAGE OF PAGES
1 3

2. AMENDMENT/MODIFICATION NO. 0110	3. EFFECTIVE DATE See Block 16C	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable)
6. ISSUED BY CODE U.S. Department of Energy Brookhaven Site Office 53 Bell Avenue, Building 464 Upton, NY 11973-5000	06005	7. ADMINISTERED BY (If other than Item 6) Code	06005

8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code) Brookhaven Science Associates, LLC Attn: Brian Boyle Brookhaven National Laboratory Building 460, PO Box 5000 Upton, New York 11973-5000	(✓)	9. A. AMENDMENT OF SOLICITATION NO.
		9. B. DATED (SEE ITEM 11)
	X	10. A. MODIFICATION OF Contract/Order NO. DE-SC0012704
		10. B. DATED (SEE ITEM 13) 12/22/2014
CODE N/A	FACILITY CODE N/A	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers is extended, is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning ___ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)
N/A



13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Mutual agreement of the parties
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is not is required to sign this document and return 1 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section heading, including solicitation/contract subject matter where feasible.)

This Modification is issued to revise Part I, Section H – Special Contract Requirements, TOC; revise clause H.33; revise Part II, Section I – Contract Clauses, TOC; add clause I.40A; update clause I.67; revise Part III, Section J – List of Documents, Exhibits, Attachments, TOC; revise Appendix H – FY 2018 Small Business Subcontracting Plan; replace Appendix I – DOE Directives/List B.

15A. NAME AND TITLE OF SIGNER (Type or print) George Clark Chief Financial Officer	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) David R. Mitchell Contracting Officer
15B. CONTRACTOR/OFFEROR	16B. UNITED STATES OF AMERICA
15C. DATE SIGNED 03/09/2018	16C. DATE SIGNED 3/9/18
(Signature of person authorized to sign) 	BY  (Signature of Contracting Officer)

14. Description of Amendment/Modification (continued):

1. **Part I, Section H – Special Contract Requirements, Table of Contents (TOC):** Section H TOC is revised to update clause H.33.

The following clause has been revised; insert the attachment provided herein:

- a. **Clause H.33, Information Technology Acquisitions** – This clause is revised in accordance with Office of Science – Integrated Support Center – Chicago Office M&O Policy Division Director email dated February 12, 2018.

2. **Part II, Section I – Contract Clauses, Table of Contents (TOC):** Section I TOC is revised to add clause I.40A and update clause I.67.

The following clause has been added; insert the attachment provided herein:

- a. **Clause I.40A – FAR 52.222-19, Child Labor—Cooperation with Authorities and Remedies (Jan 2018)** – This clause is hereby added IAW PF 2018-12, Federal Acquisition Circular (FAC) 2005-97, Federal Register at 83 FR 3396.

The following clause has been revised; replace the prior version with the updated attachment provided herein:

- a. **Clause I.67 – FAR 52.225-9, Buy American—Construction Materials (May 2014)** – This clause has been revised to fill in paragraph (b)(2).

3. **Part III, Section J – List of Documents, Exhibits, Attachments, Table of Contents (TOC):** Section J TOC is revised to reflect the following: Revise Appendix H – FY 2018 Small Business Subcontracting Plan; Replace Appendix I – DOE Directives/List B.

- a. **Appendix H – FY 2018 Small Business Subcontracting Plan:** This Appendix has been revised to adjust the Small Business Goal IAW with the Small Business Administration negotiated goals for FY 2018.

- b. **Appendix I – DOE Directives/List** identified as Modification No. 0103 has been revised; replace the prior version with the attached Appendix I identified as Modification No. 0110. The revisions are as follows:

SUMMARY OF DIRECTIVE CHANGES			
ORDER	TITLE	CHANGE	NOTES
O 473.3A Chg.1 (Min. Chg.),	Protection Program Operations	Update to latest version	Supersedes O 473.3A, dated 3/23/2016
O 470.6 Chg. 1, (Min.Chg.)	Technical Security Program	Update to latest version	Supersedes O 470.6 dated 9/2/2015

Attachments:

- Part I, Section H – Special Contract Requirements
 - ❖ H.33
- Part II, Section I – Contract Clauses
 - ❖ I.40A
 - ❖ I.67
- Part III, Section J – List of Documents, Exhibits, Attachments
 - ❖ Appendix H – FY 2018 Small Business Subcontracting Plan
 - ❖ Appendix I – DOE Directives/List B

CLAUSE H.33 – INFORMATION TECHNOLOGY ACQUISITIONS

Prior to use under this contract, all information technology shall be compliant with the appropriate information technology security policies and requirements, including use of common security configurations available from the National Institute of Standards and Technology's website at <http://checklists.nist.gov> commensurate with the mission of the contract and conducive to the research and development efforts of the laboratory. This requirement shall be included in all subcontracts, as appropriate, which are for information technology acquisitions; and the Laboratory CIO shall annually certify to the DOE Site Office Contracting Officer that this requirement is being incorporated into information technology acquisitions.

**CLAUSE I.40A - FAR 52.222-19 - CHILD LABOR – COOPERATION WITH
AUTHORITIES AND REMEDIES (OCT 2016)**

- (a) *Applicability.* This clause does not apply to the extent that the Contractor is supplying end products mined, produced, or manufactured in—
- (1) Canada, and the anticipated value of the acquisition is \$25,000 or more;
 - (2) Israel, and the anticipated value of the acquisition is \$50,000 or more;
 - (3) Mexico, and the anticipated value of the acquisition is \$77,533, or more; or
 - (4) Armenia, Aruba, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Italy, Japan, Korea, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Taiwan, Ukraine, or the United Kingdom and the anticipated value of the acquisition is \$191,000 or more.
- (b) *Cooperation with Authorities.* To enforce the laws prohibiting the manufacture of importation of products mined, produced, or manufactured by forced or indentured child labor, authorized officials may need to conduct investigations to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product furnished under this contract. If the solicitation includes the provision 52.222-18, Certification Regarding Knowledge of Child Labor for Listed End Products, or the equivalent at 52.212-3(i), the Contractor agrees to cooperate fully with authorized officials of the contracting agency, the Department of the Treasury, or the Department of Justice by providing reasonable access to records, documents, persons, or premises upon reasonable request by the authorized official.
- (c) *Violations.* The Government may impose remedies set forth in paragraph (d) for the following violations:
- (1) The Contractor has submitted a false certification regarding knowledge of the use of forced or indentured child labor for listed end products.
 - (2) The Contractor has failed to cooperate, if required, in accordance with paragraph (b) of this clause, with an investigation of the use of forced or indentured child labor by an Inspector General, Attorney General, or the Secretary of the Treasury.

- (3) The Contractor used forced or indentured child labor in its mining, production, or manufacturing processes.
- (4) The Contractor has furnished under the contract end products or components that have been mined, produced, or manufactured wholly or in part by forced or indentured child labor. (The Government will not pursue remedies at paragraph (d)(2) or paragraph (d)(3) of this clause unless sufficient evidence indicates that the Contractor knew of the violation.)

(d) *Remedies.*

- (1) The Contracting Officer may terminate the contract.
- (2) The suspending official may suspend the Contractor in accordance with procedures in FAR Subpart 9.4.
- (3) The debarring official may debar the Contractor for a period not to exceed 3 years in accordance with the procedures in FAR Subpart 9.4.

**CLAUSE I.67 – FAR 52.225-9 - BUY AMERICAN–CONSTRUCTION MATERIALS
(MAY 2014)**

(a) *Definitions.* As used in this clause--

“Commercially available off-the-shelf (COTS) item”—

- (1) Means any item of supply (including construction material) that is—
 - (i) A commercial item (as defined in paragraph (1) of the definition at FAR 2.101);
 - (ii) Sold in substantial quantities in the commercial marketplace; and
 - (iii) Offered to the Government, under a contract or subcontract at any tier, without modification, in the same form in which it is sold in the commercial marketplace; and
- (2) Does not include bulk cargo, as defined in 46 U.S.C. 40102(4), such as agricultural products and petroleum products.

“Component” means an article, material, or supply incorporated directly into a construction material.

“Construction material” means an article, material, or supply brought to the construction site by the Contractor or a subcontractor for incorporation into the building or work. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site. Materials purchased directly by the Government are supplies, not construction material.

“Cost of components” means--

- (1) For components purchased by the Contractor, the acquisition cost, including transportation costs to the place of incorporation into the construction material (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

- (2) For components manufactured by the Contractor, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (1) of this definition, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the construction material.

“Domestic construction material” means—

- (1) An unmanufactured construction material mined or produced in the United States;
- (2) A construction material manufactured in the United States, if—
 - (i) The cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic; or
 - (ii) The construction material is a COTS item.

“Foreign construction material” means a construction material other than a domestic construction material.

“United States” means the 50 States, the District of Columbia, and outlying areas.

(b) *Domestic preference.*

- (1) This clause implements the 41 U.S.C. Chapter 83, Buy American, by providing a preference for domestic construction material. In accordance with 41 U.S.C. 1907, the component test of the Buy American statute is waived for construction material that is a COTS item. (See FAR 12.505(a)(2)). The Contractor shall use only domestic construction material in performing this contract, except as provided in paragraphs (b)(2) and (b)(3) of this clause.
- (2) This requirement does not apply to information technology that is a commercial item or to the construction materials or components listed by the Government as follows: none
- (3) The Contracting Officer may add other foreign construction material to the list in paragraph (b)(2) of this clause if the Government determines that
 - (i) The cost of domestic construction material would be unreasonable. The cost of a particular domestic construction material subject to

the requirements of the Buy American statute is unreasonable when the cost of such material exceeds the cost of foreign material by more than 6 percent;

- (ii) The application of the restriction of the Buy American statute to a particular construction material would be impracticable or inconsistent with the public interest; or
- (iii) The construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

(c) *Request for determination of inapplicability of the Buy American statute.*

(1)

- (i) Any Contractor request to use foreign construction material in accordance with paragraph (b)(3) of this clause shall include adequate information for Government evaluation of the request, including--
 - (A) A description of the foreign and domestic construction materials;
 - (B) Unit of measure;
 - (C) Quantity;
 - (D) Price;
 - (E) Time of delivery or availability;
 - (F) Location of the construction project;
 - (G) Name and address of the proposed supplier; and
 - (H) A detailed justification of the reason for use of foreign construction materials cited in accordance with paragraph (b)(3) of this clause.
- (ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed price comparison table in the format in paragraph (d) of this clause.

- (iii) The price of construction material shall include all delivery costs to the construction site and any applicable duty (whether or not a duty-free certificate may be issued).
 - (iv) Any Contractor request for a determination submitted after contract award shall explain why the Contractor could not reasonably foresee the need for such determination and could not have requested the determination before contract award. If the Contractor does not submit a satisfactory explanation, the Contracting Officer need not make a determination.
- (2) If the Government determines after contract award that an exception to the Buy American statute applies and the Contracting Officer and the Contractor negotiate adequate consideration, the Contracting Officer will modify the contract to allow use of the foreign construction material. However, when the basis for the exception is the unreasonable price of a domestic construction material, adequate consideration is not less than the differential established in paragraph (b)(3)(i) of this clause.
- (3) Unless the Government determines that an exception to the Buy American statute applies, use of foreign construction material is noncompliant with the Buy American statute.
- (d) *Data.* To permit evaluation of requests under paragraph (c) of this clause based on unreasonable cost, the Contractor shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Construction Materials Price Comparison

Construction material description	Unit of measure	Quantity	Price (dollars) *
<i>Item 1</i>			
Foreign construction material			
Domestic construction material			
<i>Item 2</i>			
Foreign construction material			
Domestic construction material			

[List name, address, telephone number, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

*[*Include all delivery costs to the construction site and any applicable duty (whether or not a duty-free entry certificate is issued).]*

Contract No. DE-SC0012704
Section J | Appendix H
Modification No. 0110

APPENDIX H

SMALL BUSINESS SUBCONTRACTING PLAN

**Applicable to the Operations of
Brookhaven National Laboratory**

FY2018 SMALL BUSINESS SUBCONTRACTING PLAN

Contractor:	Brookhaven Science Associates, LLC.
Contractor Address:	Brookhaven National Laboratory, P.O. Box 5000
City/State/Zip:	Upton, New York 11973-5000
Company Phone:	(631) 344-8000
Point of Contact:	David Paveglio
POC Phone:	(631) 344-8461
POC E-mail:	dpavegli@bnl.gov
Contract Number:	DE-SC0012704
Item/Service:	Management and Operation of BNL
Total Amount of Contract (Including Options):	\$1,969,240,525.74 (through mod 0099)
Period of Contract Performance:	01/05/2015 to 01/04/2020

I. Type of Plan

Individual Contract Plan – An Individual Contract Plan 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 offer’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.

II. Goals

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

- 1. The total estimated dollar value of all planned subcontracting (to all types of business concerns) under this contract, is \$136,000,000.**
- 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) Total estimated dollar value and percent of planned subcontracting with Small Business (SB) (including ANCs and Indian Tribes): \$57,120,000 and 42%.

(ii) Total estimated dollar value and percent of planned subcontracting with Small Disadvantaged Business (SDB)/ 8(a) (including ANCs and Indian Tribes): \$6,800,000 and 5%.

- (iii) Total estimated dollar value and percent of planned subcontracting with Woman-Owned Small Business (WOB): \$6,800,000 and 5%.
- (iv) Total estimated dollar value and percent of planned subcontracting with Historically Underutilized Small Business (HUBZone): \$4,080,000 and 3%.
- (v) Total estimated dollar value and percent of planned subcontracting with Service-Disabled Veteran-Owned Small Business (SDVOB): \$4,080,000 and 3%.
- (vi) Total estimated dollar value and percent of planned subcontracting with Veteran-Owned Small Business (VOB): \$4,080,000 and 3%.

Small Business Category	BSA Dollar Commitment	BSA Percent Commitment
SB	\$57,120,000	42%
SDB	\$6,800,000	5%
WOB	\$6,800,000	5%
HUBZone	\$4,080,000	3%
VOB	\$4,080,000	3%
SDVOB	\$4,080,000	3%

The following is an indication of the supplies and services to be subcontracted under this Contract, the six categories of small business (including ANCs and Indian Tribes) and large business.

Subcontracted Supplies/Services	SB	SDB	WOB	HUB	SDVOB	VOB	LB
A & E	X				X	X	X
Construction	X	X	X		X	X	X
R & D	X						X
Services	X	X	X	X	X	X	X
Materials & Supplies	X	X	X	X	X	X	X
Electrical	X	X	X	X	X	X	X
IT (Computer)	X	X	X	X	X	X	X
Equipment (Major)	X						X

- b. The goals for the six small business categories (including ANCs and Indian Tribes) 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, New York U.S. Small Business Administration Long Island, New York U.S. Small Business Administration 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 DOE 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.

c. Timely Payment to Subcontractors:

BSA will ensure timely payment of amounts due pursuant to the terms of its subcontracts with the six small business concerns. BSA will use Small Business Set Asides to support the small business goals stated above.

d. Small Business Set-Asides Types:

1. Small Business Set-Aside:

Each acquisition of supplies or services with an anticipated dollar value exceeding the Micro-Purchase Threshold but not over the Simplified Acquisition Threshold (SAT) (FAR 2.101) will be reserved exclusively for small business concerns and shall be set aside for small business 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.

2. 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. For acquisition in excess of \$4 million, small business will be considered on a case-by-case basis.

III. Sole Source Procurements:

BSA may award contracts on a sole-source basis to these types of small Businesses:

- a. Small Business Administration (SBA) certified 8(a) small businesses; in accordance with FAR 19.805 (a)(2) for purchases valued at: \$7 million or less for 8(a) small business within North American Industry Classification System (NAICS) codes for manufacturing or \$4 million or less for small business within any other NAICS codes. There will be no limit on the anticipated value of contracts awarded on a sole-source basis to ANC; and
- b. SBA certified Historically Underutilized Small Businesses (HUB) Zone small businesses in accordance with FAR 19.1306 (a)(2) for purchases valued at: \$7 million or less for HUBZone small business within North American Industry Classification System (NAICS) codes for manufacturing or \$4 million or less for HUBZone small business within any other NAICS codes. There will be no limit on the anticipated value of contracts awarded on a sole-source basis to ANC; and
- c. Service-Disabled Veteran-Owned Small Business (SDVOB) small businesses in accordance with FAR 19.1406 (a)(2) sole-source awards to service-disabled veteran-owned small business concerns for \$6.5 million or less for requirement within the NAICS codes for manufacturing; or \$4 million for a requirement within any other NAICS codes.

There will be no limit on the anticipated value of contracts awarded on a sole-source basis to ANC.

- d. Set Asides to Small Business for procurements less than the Simplified Acquisition Threshold (SAT).

To further facilitate Brookhaven National Laboratory Small Business Program, BSA will, without further documentation to the file, and based on its unilateral decision, utilize the option of making awards without competition up to the Simplified Acquisition Threshold to small business concerns in accordance with the Department of Energy Acquisition Guide, Chapter 19: Small Business Program December 2010;

- e. A Protégé under a DOE Prime Contractor Mentor-Protégé Program can be awarded a contract on a noncompetitive basis, without the need for a sole source justification for any value.
- f. Indirect costs have not been included in the dollar and percentage subcontracting goals stated above.

IV. Program Administrator

The Contractor's subcontracting program administrator is:

Name: David J. Pavaglio
Title: Deputy Manager, PPM Division
Address: Brookhaven National Laboratory
Procurement & Property Management Division
Building 902B Room 8A
Upton, New York 11973

Telephone:(631) 344-8461

Email: dpavegli@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 six small business categories.
- b. Making arrangements for the utilization of various sources for the identification of the six small business categories through some of the following resources: System for Award Management (SAM), the DOE-OSDBU Small Business Contacts Database, GSA Office of Small Business, Women's Chamber of Commerce Database, the Procurement Technical Assistance Center's Database, the SBA-SBDC databases, sharing the Small Business databases from the other DOE National Labs, 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. Ensuring small businesses are made aware of subcontracting opportunities and basic prerequisites for the preparation of a responsive bid.
- d. Conducting or arranging for training for procurement personnel regarding the intent and impact of Public Law 95-507 on purchasing procedures.
- e. Supporting the Property and Procurement Manager (PPM) Compliance and Policy Manager in randomly reviewing procurements to ensure the maximum possible participation of the six small business categories.
- f. Monitoring the over \$700,000 (\$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.
- g. Preparing, inputting and submitting timely subcontracting reporting through the eSRS.
- h. Coordinating BSA's activities during compliance reviews by Federal agencies.
- i. Assuring the integrity of supplier information by reviewing the Representations and Certifications, ensuring that supplier NAICS codes and socioeconomic classifications are included in the descriptions of new suppliers.

V. Equitable Opportunity

BSA will ensure that small businesses have an equitable opportunity to compete for subcontracts. The various efforts include, but are not limited to, the following activities:

- (i) Utilization of the Internet to obtain new sources.
- a. 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 small business 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.
- b. Outreach efforts to promote small business development will include:
 - (i) Maintaining an annual list of outreach events and activities to attend and participate in.

- (ii) Providing contact information for 8(a) and HUB-Zone small businesses to assist them in achieving SBA certification.
- (iii) Maintaining an internal Small Business Policy.
- (iv) Participating in DOE Small Business Program Manager conference calls.

VI. 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 and foreign suppliers, that receive subcontracts in excess of \$700,000 (\$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 six potential small business categories 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.

VII. Reporting and Cooperation

BSA will (1) cooperate in any studies or surveys that may be required by the contracting agency or the Small Business Administration; (2) submit any periodic reports required under its Prime Contract, such as utilization reports, which show compliance with the subcontracting plan; (3) 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); (4) and ensure that large business subcontractors with subcontracting plans provide electronic input to the eSRS as required.

<u>Reporting Period</u>	<u>Report Type</u>	<u>Due Date</u>
Oct 1 – Mar 31	ISR	04/30
Apr 1 – Sep 30	ISR	10/31
Oct 1 – Sep 30	SSR	10/31

VIII. 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 SAT will contain AMS-Form-002 which indicates for each solicitation whether small businesses were solicited, and if any of the solicited 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
 - (i) 8(a) certification approval through copies of their SBA certification letter.
 - (ii) Confirmation of HUB-Zone certification will be verified by searching the companies profile in the System for Award Management (SAM) database.

IX. Mentor-Protégé Program

BSA agrees to establish and implement an official DOE approved “Mentor-Protégé” program in accordance with U.S. Department of Energy acquisition regulation (DEAR Part 19). The Small Business Liaison Officer is the individual designated to administer this program.

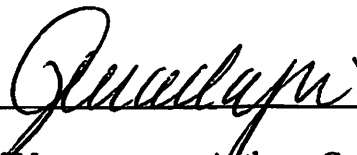
X. Description of Good Faith Effort

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 to the six small businesses concerns. The following steps will be taken:


- a. Issue and promulgate company-wide policy statements in support of small businesses. 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 eligible small businesses.
- 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 procurement personnel regarding the need for the support of small businesses.
- e. Assist small businesses by helping with questions on solicitations, quantities, specifications, and delivery requirements.
- f. Counsel and discuss subcontracting opportunities with small businesses.

- g. Execute Service Agreements, Teaming Agreements, and Basic Ordering Agreements with small business from the six qualified small business categories, as required, in an attempt to ensure availability and usage of subcontractor personnel to support work efforts when required.
- h. Establish and maintain a categorized list of potential subcontractors, including name, address, telephone number, email address, product/service sold, initials of the Buyer and/or Contract Specialist lead given to, and identification of the social economic small business category.

This FY2018 subcontracting plan was submitted by:

Signature:  Date: 12/27/17
Typed Name: Anthony Guadagni
Title: Manager Procurement and Property Management

Approval:

Signature:  Date: 1/29/2018
Typed Name: Aundrea Clifton
Title: Contracting Officer
U.S. Department of Energy
Brookhaven Site Office

APPENDIX I

DOE Directives/List B

**Applicable to the Operations of
Brookhaven National Laboratory**

There is no List A to this Appendix.

List B to this Appendix contains the following:

Part I: "Directives List"

This section contains a list of Directives that are considered by DOE as applicable to the BNL contract.

Appendix I - Part I DOE DIRECTIVES LIST

DOE Directives may be found at the following address: <http://www.directives.doe.gov>

ISSUED	TYPE	NUMBER	THROUGH CHANGE	TITLE Includes Compliance Notes as Necessary
9/29/1995	Order	130.1		Budget Formulation
9/4/2008	Manual	142.2-1	Admin Chg. 1 6/27/13	Manual for Implementation of the Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency
12/15/2006	Order	142.2A	Admin Chg. 1 6/27/13	Voluntary Offer Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency
10/14/2010	Order	142.3A	Chg.1 (Minor Chg.) 01/18/2017	Unclassified Foreign Visits and Assignments Program
3/31/2014	Order	150.1A		Continuity Programs
8/11/2016	Order	151.1D		Comprehensive Emergency Management System
6/27/2007	Order	153.1		Departmental Radiological Emergency Response Assets
12/23/2008	Order	200.1A	Chg.1 (Minor Chg.) 01/13/2017	Information Technology Management
1/7/2005	Order	203.1		Limited Personal Use of Government Office Equipment Including Information Technology
5/16/2011	Order	205.1B	Admin Chg. 3 4/29/14	Department of Energy Cyber Security Program
1/16/2009	Order	206.1		Department of Energy Privacy Program
2/19/2013	Order	206.2		Identity, Credential and Access Management (ICAM)
4/8/2011	Order	210.2A		DOE Corporate Operating Experience Program
9/27/2016	Order	221.1B		Reporting Fraud, Waste, and Abuse to the Office of Inspector General
2/25/2008	Order	221.2A		Cooperation with the Office of Inspector General
3/4/2011	Order	225.1B		Accident Investigations
8/30/2011	Order	227.1A	12/21/2015	Independent Oversight Program
6/27/2011	Order	231.1B	Admin Chg. 1 11/28/12	Environment, Safety and Health Reporting
1/17/2017	Order	232.2A		Occurrence Reporting and Processing of Operations Information Compliance Note: Implementation will be completed by October 1, 2017 in accordance with ES&H Memo dated 6/27/2017.
12/13/2010	Order	241.1B	Chg.1 4/26/16	Scientific and Technical Information Management
3/11/2013	Order	243.1B	Admin Chg.1 7/8/13	Records Management Program
2/23/2011	Order	252.1A	Admin Chg. 1 3/12/13	Technical Standards Program

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ISSUED	TYPE	NUMBER	THROUGH CHANGE	TITLE Includes Compliance Notes as Necessary
11/19/2009	Order	313.1		Management and Funding of the Department's Overseas Presence
10/18/2007	Order	341.1A Parts: 1.(a-b) 2.a(1-3) 2.a(4)(a-h)		Federal Employee Health Services
2/23/2010	Order	350.1	Chg. 5 9/30/14	Contractor Human Resource Management Programs
8/17/2009	Order	410.2	Admin Chg. 1 4/10/14	Management of Nuclear Materials
1/4/2017	Order	411.2		Scientific Integrity
10/28/2008	Order	413.1B		Internal Control Program
4/19/2006	Order	413.2C	10/22/2015	Laboratory Directed Research and Development
11/29/2010	Order	413.3B	Chg. 4 (Minor Chg.) 10/13/17	Program and Project Management for the Acquisition of Capital Assets
4/25/2011	Order	414.1D	Admin Chg. 1 5/8/13	Quality Assurance
12/3/2012	Order	415.1	Chg.2 (Minor Chg.) 1/17/2017	Information Technology Project Management
12/4/2012	Order	420.1C	Chg.1 2/27/15	Facility Safety Compliance Note: Chapters 1, 3, and 5 are applicable to BNL facilities categorized as hazardous category 1, 2, or 3 nuclear facility is proposed by BNL and approved by DOE
7/21/2011	Order	420.2C		Safety of Accelerator Facilities
6/29/2010	Order	422.1	Admin Chg. 1 6/25/13	Conduct of Operations Compliance Note: Applicable to Hazardous Category 1, 2, or 3 nuclear facilities and other facilities as defined by BSA in a Program Plan to be approved by BHSO for incorporating
11/25/2016	Policy	434.1B		Conduct and Approval of Select Agent and Toxin Work at Department of Energy Sites
7/9/1999	Order	435.1	Admin Chg. 1 8/28/01	Radioactive Waste Management
7/9/1999	Manual	435.1-1	Admin Chg. 1 6/19/01	Radioactive Waste Management Manual
5/2/2011	Order	436.1		Departmental Sustainability

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ISSUED	TYPE	NUMBER	THROUGH CHANGE	TITLE Includes Compliance Notes as Necessary
11/27/2002	Order	440.2C	Admin Chg. 1 6/22/11	Aviation Management and Safety
3/7/2008	Manual	441.1-1	Chg. 1 (Admin Chg.) 02/24/16	Nuclear Material Packaging Manual
6/6/2001	Order	442.1A		Department of Energy Employee Concerns Program
7/29/2011	Order	442.2	Chg.1 (Pg.Chg.) 10/4/2016	Differing Professional Opinions for Technical Issues Involving Environment, Safety and Health
3/7/2011	Order	443.1B	Chg. 1 (Pg.Chg.) 4/21/16	Protection of Human Research Subjects
7/21/2011	Order	452.8		Control of Nuclear Weapon Data
7/15/2016	Order	456.1A		The Safe Handling of Unbound Engineered Nanoparticles
2/11/2011	Order	458.1	Admin Chg. 3 1/15/13	Radiation Protection of the Public and the Environment
12/20/2016	Order	460.1D		Hazardous Materials Packaging and Transportation Safety
12/22/2004	Order	460.2A		Departmental Material Transportation and Packaging Management
6/4/2008	Manual	460.2-1A		Radioactive Material Transportation Practices Manual
11/23/2016	Order	470.3C		Design Basis Threat (DBT) Order
7/21/2011	Order	470.4B	Chg.2 (Minor Chg.) 1/17/2017	Safeguards and Security Program
6/2/2014	Order	470.5		Insider Threat Program
9/2/2015	Order	470.6	Chg.1 (Minor Chg.1) 1-11-2017	Technical Security Program
3/1/2010	Order	471.1B		Identification and Protection of Unclassified Controlled Nuclear Information
4/9/2003	Order	471.3	Admin Chg. 1 1/13/11	Identifying and Protecting Official Use Only Information
4/9/2003	Manual	471.3-1	Admin Chg. 1 1/13/11	Manual for Identifying and Protecting Official Use Only Information
6/20/2011	Order	471.6	Admin Chg. 2 5/15/15	Information Security
7/27/2011	Order	472.2	Admin Chg. 1 10/8/13	Personnel Security

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ISSUED	TYPE	NUMBER	THROUGH CHANGE	TITLE Includes Compliance Notes as Necessary
1/2/2018	Order	473.3A	Chg. 1 (Minor Chg.) 1/2/2018	Protection Program Operations
6/27/2011	Order	474.2	Chg. 4 (Pg.Chg.) 9/13/2016	Nuclear Material Control and Accountability
12/10/2004	Order	475.1		Counterintelligence Program
10/3/2014	Order	475.2B		Identifying Classified Information
1/3/2001	Manual	481.1-1A	Admin Chg. 1 9/28/01	Reimbursable Work for Non Federal Sponsored Process Manual
12/20/2016	Order	483.1B		DOE Cooperative Research and Development Agreements
8/17/2006	Order	484.1	Admin Chg. 2 6/30/14	Reimbursable Work for the Department of Homeland Security
1/19/2017	Policy	485.1		Foreign Engagements with DOE National Laboratories
11/3/2004	Order	522.1		Pricing of Departmental Materials and Services
1/6/2003	Order	534.1B		Accounting
4/2/2012	Order	551.1D	Chg. 2 (Minor Chg.) 8/11/16	Official Foreign Travel