

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT				1. CONTRACT ID CODE	PAGE 1	OF 2	PAGES 2
2. AMENDMENT/MODIFICATION NUMBER 0179	3. EFFECTIVE DATE See Block 16c	4. REQUISITION/PURCHASE REQUISITION NUMBER	5. PROJECT NUMBER (If applicable)				
6. ISSUED BY Brookhaven Site Office Office of Science U.S. Department of Energy 53 Bell Avenue, Building 464 Upton NY 11973	CODE 892430	7. ADMINISTERED BY (If other than Item 6) Brookhaven Site Office Office of Science U.S. Department of Energy 53 Bell Avenue, Building 464 Upton NY 11973		CODE 06005			
8. NAME AND ADDRESS OF CONTRACTOR (Number, street, county, State and ZIP Code) Brookhaven Science Associates, LLC Attn: Kevin Fox Brookhaven National Laboratory Building 460, PO Box 5000 Upton NY 11973-5000				(X)	9A. AMENDMENT OF SOLICITATION NUMBER		
				<input type="checkbox"/>	9B. DATED (SEE ITEM 11)		
				<input checked="" type="checkbox"/>	10A. MODIFICATION OF CONTRACT/ORDER NUMBER DE-SC0012704		
CODE 027579460 FACILITY CODE N/A				10B. DATED (SEE ITEM 13) 12/22/2014			

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 electronic communication which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT 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 letter or electronic communication, provided each letter or electronic communication 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

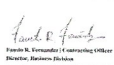
**13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS.
IT MODIFIES THE CONTRACT/ORDER NUMBER AS DESCRIBED IN ITEM 14.**

CHECK ONE	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NUMBER IN ITEM 10A.
<input type="checkbox"/>	
<input type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input checked="" type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: FAR 43.103(a), Agreements of the parties modifying the terms of the contract.
<input type="checkbox"/>	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 headings, including solicitation/contract subject matter where feasible.)
See page 2.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) George Clark, Chief Financial Officer		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Fausto R. Fernandez, Contracting Officer	
15B. CONTRACTOR/OFFEROR George Clark <small>Digitally signed by George Clark Date: 2020.11.30 13:29:26 -05'00'</small>	15C. DATE SIGNED 11/30/2020	16B. UNITED STATES OF AMERICA  <small>Digitally signed by FAUSTO FERNANDEZ Date: 2020.11.30 14:14:48 -05'00'</small>	16C. DATE SIGNED 11/30/2020
<i>(Signature of person authorized to sign)</i>		<i>(Signature of Contracting Officer)</i>	

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14. DESCRIPTION OF AMENDMENT/MODIFICATION continued.

A. This modification is issued to update the following contract sections:

Contract Sections:

- a. Part III, Section J – List of Attachments
 - Appendix H

B. Table of Changes

PART III, SECTION J — LIST OF DOCUMENTS, EXHIBITS, ATTACHMENTS

APPENDIX H

Appendix	Title	Change & Explanation
H	Small Business Subcontracting Plan	Change: Delete FY 2020 Plan. Explanation: This appendix is revised to add the FY 2021 Plan.

C. ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.
END OF MODIFICATION

APPENDIX H

SMALL BUSINESS SUBCONTRACTING PLAN

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

FY2021 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:	Mary Rogers
POC Phone:	(631) 344-3251
POC E-mail:	mrogers@bnl.gov
Contract Number:	DE-SC0012704
Item/Service:	Management and Operation of BNL
Total Amount of Contract (Including Options):	\$3,858,031,595.15 (through mod 0174)
Period of Contract Performance:	01/05/2015 to 01/04/2025

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 \$205,000,000.
 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): \$92,250,000 and 45%.
 - (ii) Total estimated dollar value and percent of planned subcontracting with Small Disadvantaged Business (SDB)/8(a) (including ANCs and Indian Tribes): \$10,250,000 and 5%.

- (iii) Total estimated dollar value and percent of planned subcontracting with Woman-Owned Small Business (WOB): \$10,250,000 and 5%.
- (iv) Total estimated dollar value and percent of planned subcontracting with Historically Underutilized Small Business (HUBZone): \$7,499,994 and 3%.
- (v) Total estimated dollar value and percent of planned subcontracting with Service-Disabled Veteran-Owned Small Business (SDVOB): \$7,499,994 and 3%.
- (vi) Total estimated dollar value and percent of planned subcontracting with Veteran-Owned Small Business (VOB): \$7,499,994 and 3%.

Small Business Category	BSA Dollar Commitment	BSA Percent Commitment
SB	\$ 92,250,000	45%
SDB	\$ 10,250,000	5%
WOB	\$ 10,250,000	5%
HUBZone	\$ 7,499,994	3%
VOB	\$ 7,499,994	3%
SDVOB	\$ 7,499,994	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 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 Limit but not over the Simplified Acquisition Threshold (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 (2) for purchases valued at: (A) \$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 (2) for purchases valued at: (A) \$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 (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;

- 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: Mary Rogers
Title: Small Business Liaison Officer
Address: Brookhaven National Laboratory
Procurement & Property Management Division
Building 902B
Upton, New York 11973

Telephone: (631) 344-3251

Email: mrogers@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 Procurement and Property Management Division Manager (PPM) and Compliance 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 and MOSRC.
- 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
Monthly	MOSRC	20 th of each month

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 the Simplified Acquisition Threshold will contain AMS-Form-002 which indicates for each solicitation whether small

businesses 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

- (i) 8(a) certification approvals 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” 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 FY2021 subcontracting plan was submitted by:

Signature:  Date: 09/18/2020

Lynn McKnight
Manager
Procurement and Property Management Division

Approval:



Signature: _____ Date: 6 Oct 2020

Katrina B. Porter
Contracting Officer
U.S. Department of Energy
Brookhaven Site Office