

APPENDIX H

SMALL BUSINESS SUBCONTRACTING PLAN

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

FY2023 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 Email:	mr Rogers@bnl.gov
Contract Number:	DE-SC0012704
Unique Entity Identifier	R85KZ9JP3NM3
Item/Service:	Management and Operation of BNL
Total Amount of Contract (Including Options):	\$5,344,056,675.27 (through mod 0224)
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 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.

II. Goals

- a. Brookhaven Science Associates (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), Historically Underutilized Small Business (HUBZone), 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 \$280,000,000.
 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): \$140,000,000 and 50%.
 - (ii) Total estimated dollar value and percent of planned subcontracting with Small Disadvantaged Business (SDB)/8(a) (including ANCs and Indian Tribes): \$14,000,000 and 5%.
 - (iii) Total estimated dollar value and percent of planned subcontracting with Woman-Owned Small Business (WOB): \$14,000,000 and 5%.

- (iv) Total estimated dollar value and percent of planned subcontracting with Historically Underutilized Small Business (HUBZone): \$8,400,000 and 3%.
- (v) Total estimated dollar value and percent of planned subcontracting with Service-Disabled Veteran-Owned Small Business (SDVOB): \$8,400,000 and 3%.
- (vi) Total estimated dollar value and percent of planned subcontracting with Veteran-Owned Small Business (VOB): \$8,400,000 and 3%.

Small Business Category	BSA Dollar Commitment	BSA Percent Commitment
SB	\$ 140,000,000	50%
SDB	\$ 14,000,000	5%
WOB	\$ 14,000,000	5%
HUBZone	\$ 8,400,000	3%
VOB	\$ 8,400,000	3%
SDVOB	\$ 8,400,000	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 are based on consultations with the DOE. Potential suppliers will be identified while attending inreach and outreach events and by utilizing BSA's vendor database and various directories, including: System for Award Management (SAM), the DOE-Office of Small & Disadvantaged Business Utilization (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, Hauppauge Industrial Association (HIA-LI), 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. Small Business Set-Aside Types:

BSA will use Small Business Set-Asides to support the Small Business goals stated above.

1. Small Business Set-Asides:

Each acquisition of supplies or services with an anticipated dollar value exceeding the Micro-Purchase Limit 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 (2) for purchases valued at: (A) \$7 million or less for 8(a) Small Business within the North American Industry Classification System (NAICS) codes for manufacturing or \$4.5 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 (HUBZone) Small Businesses in accordance with FAR 19.1306 (2) for purchases valued at: (A) \$7 million or less for HUBZone Small Business within the NAICS codes for manufacturing or \$4.5 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 (SDVOB) Small Businesses in accordance with FAR 19.1406 (2) sole-source awards to Service-Disabled Veteran-Owned Small Business concerns for \$7 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's 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 SAT 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 Administrator
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. Establish engagement with the Admin Council and Policy Council to identify awards which would be appropriate for Small Business Set-Asides. Participate in proposal processes to identify the Small Business Set-Aside opportunities in the proposal process (LDRD, budget proposal process).
- 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. 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 BSA'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.
- d. Ensuring Small Businesses are made aware of subcontracting opportunities and basic prerequisites for the preparation of a responsive bid. Identifying Small Business subcontracting opportunities at outreach forums.

- e. Provide adequate and timely consideration of the potentialities 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.
- f. 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.
- g. Confirm that a subcontractor representing itself as a HUBZone small business concern is certified by SBA as a HUBZone small business concern by accessing SAM or by accessing the Dynamic Small Business Search (DSBS) at https://web.sba.gov/pro-net/search/dsp_dsbs.cfm.
- h. Provide notice to subcontractors concerning penalties and remedies for misrepresentations of business status as small, veteran-owned small business, HUBZone small, small disadvantaged, or women-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.
- i. Inform each unsuccessful small business subcontract offeror in writing of the name and location of the apparent successful offeror and if the successful subcontract offeror is a small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, or women-owned small business concern for all competitive subcontracts over the simplified acquisition threshold, as defined in FAR 2.101 on the date of subcontract award, in which a small business concern received a small business preference, upon determination of the successful subcontract offeror, prior to award of the subcontract.
- j. Assign each subcontract the NAICS code and corresponding size standard that best describes the principal purpose of the subcontract.
- k. Conducting or arranging for training for procurement personnel regarding the intent and impact of Public Law 95-507 on purchasing procedures.
- l. Supporting the Procurement and Property Management (PPM) Chief Procurement Officer and Compliance Supervisor in randomly reviewing procurements to ensure the maximum possible participation of the six Small Business categories.
- m. Monitoring the over \$750,000 (\$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.
- n. Coordinating BSA's activities during compliance reviews by Federal agencies.
- o. Ensuring 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. **Contractor Assurances**

In accordance with FAR 52.219-9, BSA provides the following assurances in the execution of the Small Business Subcontracting Plan. Under the

- a. BSA will include the clause entitled "Utilization of Small Business Concerns" in all subcontracts that offer further subcontracting opportunities, and will require all subcontractors (except small business concerns) that receive subcontracts in excess of the applicable threshold specified in FAR [19.702](#)(a) on the date of subcontract award, with further subcontracting possibilities to adopt a subcontracting plan that complies with the requirements of this clause.
- b. BSA will cooperate in any studies or surveys as may be required.
- c. BSA will submit periodic reports so that the Government can determine the extent of compliance with the subcontracting plan.
- d. BSA will include subcontracting data for each order when reporting subcontracting achievements for indefinite-delivery, indefinite-quantity contracts with individual subcontracting plans where the contract is intended for use by multiple agencies.
- e. BSA will prepare, input and submit timely subcontracting reporting - Individual Subcontract Report (ISR) and/or the Summary Subcontract Report (SSR) - through the Electronic Subcontracting Reporting System (eSRS) in accordance with FAR 52.219-9(l) and Management & Operating Subcontract Reporting Capability (MOSRC) system.
- f. BSA will ensure that its subcontractors with subcontracting plans agree to submit the ISR and/or the SSR using eSRS.
- g. BSA will provide its prime contract number, its unique entity identifier, and the e-mail address of the Small Business Liaison (BSA official responsible for acknowledging receipt of or rejecting the ISRs) to all first-tier subcontractors with subcontracting plans so they can enter this information into the eSRS when submitting their ISRs
- h. BSA will require that each subcontractor with a subcontracting plan provide the prime contract number, its own unique entity identifier, and the e-mail address of the subcontractor's official responsible for acknowledging receipt of or rejecting the ISRs, to its subcontractors with subcontracting plans.
- i. BSA will not prohibit a subcontractor from discussing with the contracting officer any material matter pertaining to payment to or utilization of a subcontractor.
- j. BSA will pay its small business subcontractors on time and in accordance with the terms and conditions of the underlying subcontract and notify the contracting officer when the prime contractor makes either a reduced or an untimely payment to a small business subcontractor.

VI. **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:

- a. 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 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.
- c. 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 HUBZone 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.

VII. **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 \$750,000 (\$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.

VIII. **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	10/30
Oct 1 – Sep 30	SSR	10/30
Monthly	MOSRC	20 th of each month

IX. **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. Records of organizations contacted, events attended, and engagement efforts to locate potential small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small-disadvantaged business, and women-owned small business concerns.
- 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 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 (if not, why not).
- d. Records of outreach efforts to contact:
 - i. Trade associations;
 - ii. Business development organizations;
 - iii. Conferences and trade fairs to locate small, HUBZone small, small disadvantaged, service-disabled veteran-owned, and women-owned small business sources; and,
 - iv. Veterans service organizations.
- e. Documents to support internal guidance and encouragement, provided to Buyers through:
 - i. Workshops, seminars, training programs; and
 - ii. Monitoring of activities to evaluate compliance.
- f. On a contract-by-contract basis, records to support award data submitted by BSA to the Government, including the name, address, and business size of each subcontractor.
- g. Representations and Certifications Information:
 - (i) 8(a) certification approvals through copies of their SBA certification letter.
 - (ii) Confirmation of HUBZone certification will be verified by searching the companies' profile in the System for Award Management (SAM) database.

X. **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 Administrator is the individual designated to administer this program.

XI. **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 categories. 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 Contracts Specialist lead given to, and identification of the socioeconomic Small Business category.

This FY2023 subcontracting plan was submitted by:

Signature:  Date: 11/4/2022

Paul Pierson
Chief Procurement Officer
Brookhaven National Laboratory

Approval:

 Digitally signed by FAUSTO FERNANDEZ
Date: 2022.11.08 11:12:59
Signature:  -05'00' Date: _____
Fausto R. Fernandez | Contracting Officer
Director, Business Division
U.S. Department of Energy | Brookhaven Site Office

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