

## ATTACHMENT J-D

### SMALL, SMALL DISADVANTAGED AND WOMEN-OWNED SMALL BUSINESSES SUBCONTRACTING PLAN OUTLINE

The following outline meets the minimum requirements of Section 8(d) and the Federal Acquisition Regulation (FAR) subparts 19.7. It is intended to be a guideline. It is not intended to replace any existing corporate plan, which may be more extensive. If assistance is needed to locate small business sources, contact GSA, Office of Enterprise Development, (415) 522-2700 contact Lori Faulkenstorm or Carole Honore

Identification Data:

Company Name: Address: Date Prepared: Item/Service: \_\_\_\_\_  
Solicitation Number: \_\_\_\_\_

1. Type of Plan (check only one).

\_\_\_ Individual Plan: In this type of plan all elements are developed specifically for this contract and are applicable for the full term of this contract.

\_\_\_ Master Plan: In this type of plan, goals are developed for this contract; all other elements are standard. The master plan must be approved once every three years. Once incorporated into a contract with specific goals, it is valid for the life of the contract.

2. Goals:

State separate dollar and percentage goals for small business, small disadvantaged business, and women owned small business in the following format.

A. Estimated dollar value and percentages of all planned subcontracts, i.e., to all types of business concerns under this contract is:

BASE:  
FIRST OPTION YEAR:  
SECOND OPTION YEAR:  
THIRD OPTION YEAR:

B. Estimated dollar value and percentage of planned subcontracting with large businesses (all business concerns classified as other than small) is:

BASE:  
FIRST OPTION YEAR:  
SECOND OPTION YEAR:  
THIRD OPTION YEAR:

C. Estimated dollar value and percentage of planned subcontracting to small business concerns is: (Include Small Disadvantaged and Women-Owned Small Businesses)

BASE:  
FIRST OPTION YEAR:  
SECOND OPTION YEAR:  
THIRD OPTION YEAR:

D. Estimated dollar value and percentage of planned subcontracting to small disadvantaged business concerns is:

BASE:  
FIRST OPTION YEAR:  
SECOND OPTION YEAR:  
THIRD OPTION YEAR:

E. Estimated dollar value and percentage of planned subcontracting to women-owned small business concerns is:

BASE:  
FIRST OPTION YEAR:  
SECOND OPTION YEAR:  
THIRD OPTION YEAR:

F. Products and/or services to be subcontracted under this contract, and the types of businesses supplying them, are:

<u>PRODUCT/SERVICE</u>	<u>STANDARD INDUS. CLASS</u>	<u>LARGE</u>	<u>SMALL</u>	<u>SDB</u>	<u>WOSB</u>	<u>HUBZONE</u>
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(Attach additional sheets if necessary)

F1. Explain the methods used to develop the subcontracting goals for small, small disadvantaged and women-owned small business concerns.

F2. Explain how the product and/or service areas to be subcontracted were established, how the areas to be subcontracted to small, small disadvantaged and women-owned small businesses were determined.

F3. How the capabilities of small, small disadvantaged and women-owned small business were determined.

F4. Identify all source list used in the determination process:


G. Indirect and overhead costs   HAVE BEEN or   HAVE NOT BEEN included in the dollar and percentage subcontracting goals stated above. (check one)

H. If indirect and overhead cost HAVE BEEN included, explain the method used to determine the proportionate share of such costs to be allocated as subcontractors to small, small disadvantaged and women-owned business concerns.


**3. Program Administrator:**

FAR 19.704(a)(2) requires information about the company employee who will administer the subcontracting program. Please provide the name, title, address, phone number, position within the corporate structure and the duties of that employee.

NAME: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE NUMBER: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_  
E-MAIL ADDRESS: \_\_\_\_\_

Duties: The Program Administrator shall have general overall responsibility for the Contractor's subcontracting program, i.e., developing, preparing, and executing individual subcontracting plans and monitoring performance relative to this particular plan.

- A. Developing and promoting company/division policy statements that demonstrate the company's/division's support for awarding contracts and subcontracts to small, small disadvantaged and women-owned small business concerns.
- B. Developing and maintaining bidders' lists of small, small disadvantaged and women-owned small business concerns from all possible sources.
- C. Assuring that small, small disadvantaged and women-owned small business concerns are included on the bidders' list for every subcontract solicitation for products and or services they are capable of providing.
- D. Ensuring that subcontract procurement packages are designed to permit the maximum possible participation of small, small disadvantaged and women-owned small businesses.
- E. Reviewing subcontract solicitations to remove statements, clauses, etc. which might tend to restrict or prohibit small, small disadvantaged, and women-owned small business participation.
- F. Overseeing the establishment and maintenance of contract and subcontract award records.
- G. Attending or arranging for the attendance of company counselors at Business Opportunity Workshops, Minority Business Enterprise Seminars, Trade Fairs, etc.
- H. Directly or indirectly counseling small, small disadvantaged and women-owned small business concerns on subcontracting opportunities and how to prepare bids to the company.
- I. Monitoring the company's performance and making any adjustments necessary to achieve the subcontract plan goals.
- J. Preparing and submitting timely reports.
- K. Coordinating the company's activities during compliance reviews by Federal agencies.

**4. Equitable Opportunity**

FAR 19.704(a)3( requires a description of the efforts the contractor will make to ensure the small, small disadvantaged and women-owned small business concerns will have an equitable opportunity to compete for subcontractors. These efforts include, but are not limited to, the following activities:

A. Outreach efforts to obtain sources:

- Contacting and small business trade associations
- Contacting business development organizations
- sources from the Small Business Administration's Procurement Automated Source System (PASS)
- Attending small, minority and women-owned business procurement conferences and trade fair

B. Additional efforts: (Please describe):

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**5. Clause inclusion and flow down**

FAR 19.704(a)(4) requires that your company include FAR 52.219-8, "Utilization of Small, Small Disadvantaged, Women-Owned Small Business Concerns", in all subcontracts that offer further subcontracting opportunities. Your company must require A subcontractors, except small business concerns, that receive subcontracts in excess of \$500,000 to adopt and comply with a plan similar to the plan required by FAR 52.219-9, "Small, Small Disadvantaged, and Women-Owned Small Business and Business Subcontracting Plan".

Your company agrees that the clause will be included and that the plans will be reviewed against the minimum requirements for such plans. The acceptability of percentage goals for small, small disadvantaged and women-owned small business concerns must be determined on a case-by-case basis depending on the supplies and/or services involved, the availability of potential small, small disadvantaged and women-owned small business subcontractors and prior experience. Once the plans are negotiated, approved and implemented, the plans must be monitored through the submission of periodic reports, including Standard Form (SF) 294 and 295.

In accordance with the policy letters published by the Office of Federal Procurement Policy, such assurance shall describe the offer's procedures for the review, approval and monitoring for compliance with such subcontracting plans.

**6. Reporting and cooperation**

FAR 19.704(a)(5) requires that your company (1) cooperate in any studies or surveys as may be required, (2) submit periodic reports which show compliance with the subcontracting plans; (3) submit Standard Form 294 "Subcontracting Reports for Individual Contracts" and SF 295 "Summary Subcontract Report" in accordance with the instructions on the forms; and (4) ensure that subcontractors agree to submit SF 294 and 295.

Both the Director, Office of Small and Disadvantaged Business Utilization and Small Business Specialist must receive the report(s) within 30 days after the close of each calendar period. That is:

Calendar Period:	Report:	Date Due:	Send Report To:
10/01--03/31	SF 294	04/30	Contracting Officer/ Small Business Technical Advisor
04/01--09/30	SF 294	10/30	Contracting Officer/ Small Business Technical Advisor
10/01-09/30	SF 295	10/30	Director, Office of Small Disadvantaged Utilization (OSDBU)

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\*SF 295 shall also be submitted to the SBA Commercial Market Representative.

\*\*These names, addresses will be provided at time of award.

**7. Recordkeeping**

FAR 19.704(a)(6) requires a list of the types of records your company will maintain 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. Small, small disadvantaged, and women-owned small business concern source lists, guides, and other data identifying such vendors.'
- B. Organizations contacted for small, small disadvantaged and women-owned small business sources.
- C. On a contract-by-contract basis, records on all subcontract solicitations over \$ 100,000 which indicate for each solicitation (1) whether small business concerns were solicited, and if not, why not; (2) whether small disadvantaged business concerns were solicited, and if not, why not; (3) whether women-owned small business concerns were solicited, and if not, why not; and (4) reasons for the failure of solicited small, small disadvantaged, and women-owned small business concerns to receive the subcontract award.
- D. Records to support other outreach efforts, e.g. contacts with minority and small business trade associations, attendance at small, minority and women-owned small business procurement conference and trade fairs.
- E. On a contract-by-contract basis, records to support subcontract award data including the name, address and business size of each subcontractor.
- F. Other records to support your compliance with the subcontracting plan:

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**8. Timely payments to subcontractors**

Far 19.702 requires your company to establish and use procedures to ensure timely payment of amounts due pursuant to the terms of your subcontracts with small, small disadvantaged and women-owned small business concerns.

Your company has established and uses such procedures.

**9. Description of Good Faith Effort**

Maximum practicable utilization of small, small disadvantaged, and women-owned small business concerns as subcontractors in Government contracts is a matter of national interest with both social and economic benefits. When a contractor fails to make a good faith effort to comply with a subcontracting plan, these objectives are not achieved, and 15 U.S.C. 637(d)(4)(F) directs that liquidated damages shall be paid by the contractor. In order to demonstrate your compliance with a good faith effort to achieve the small, small disadvantaged and women-owned small business subcontracting goals, outline the steps your company plans to take. These steps will be negotiated with the contracting officer prior to approval of your plan.

The contractor is advised that this subcontracting plan will be made a material part of the contract and that the submission of the SF 294 and SF 295 will be made a line item deliverable in the contract.

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**10. Offeror's Past Performance in Subcontracting with small, small disadvantaged and women-owned businesses:**

**(NOTE: This area is only applicable for those offeror's submitting proposals for CLINs \_\_\_\_\_.)**

Provide at a minimum, the duration of the subcontracts, the type of small business (i.e. disadvantaged/women-owned), the percentage or dollar value of these subcontracts, and references (company name, point of contact, address, phone number and e-mail address). Also submit any narratives of successes or awards you have achieved in this area.

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**11. SIGNATURES REQUIRED:**

This subcontracting plan was SUBMITTED by:

Signature: \_\_\_\_\_  
Typed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

This subcontracting plan was REVIEWED by--

Signature: \_\_\_\_\_  
Typed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

This subcontracting plan was CONCURRED by:

Signature: \_\_\_\_\_  
Typed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

This subcontracting plan was ACCEPTED by:

Signature: \_\_\_\_\_  
Typed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

## DEFINITIONS

**“Small Business Concern”** means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria and size standards in 13 CFR Part 121 (see FAR 19.102). Such a concern is “not dominant in its field of operation” when it does not exercise a controlling or major influence on a national basis in a kind of business activity in which a number of business concerns are primarily engaged. In determining whether dominance exists, consideration shall be given to all appropriate factors, including volume of business, number of employees, financial resources, competitive status or position, ownership or control of materials, processes, patents, license agreements, facilities, sales territory, and nature of business activity.

**“Small Disadvantaged Business Concern”** means a small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged, or a publicly owned business that has at least 51 percent of its stock unconditionally owned by one or more socially and economically disadvantaged individuals and that has its management and daily business controlled by one or more such individuals. This term also means a small business concern that is at least 51 percent unconditionally owned by an economically disadvantaged Indian Tribe or Native Hawaiian Organization, or a publicly owned business that has at least 51 percent of its stock unconditionally owned by one of these entities, that has its management and daily business controlled by members of an economically disadvantaged Indian tribe or Native Hawaiian Organization, and that meets the requirements of 13 CFR 124.

**“Socially disadvantaged individuals”** means individuals who have been subject to racial or ethnic prejudice or cultural bias because of their identity as a member of a group without regard to their qualities as individuals.

**“Economically disadvantaged individuals”** means socially disadvantaged individuals whose ability to compete in the free enterprise system is impaired due to diminished opportunities to obtain capital and credit as compared to others in the same line of business who are not socially disadvantaged. Individuals who represent that they are members of named groups (Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent-Asian Americans) are to be considered socially and economically disadvantaged.

**“subcontinent Asian Americans”** means United States citizens whose origins are in India, Pakistan, Bangladesh, Sri Lanka, Bhutan or Nepal.

**“Asian Pacific Americans”** means United States citizens whose origins are in Japan, China, the Philippines, Vietnam, Korea, Samoa, Guam, the U.S. Trust Territory of the Pacific Islands (Republic of Palau), the Northern Mariana Islands, Laos, Kampuchea (Cambodia), Taiwan, Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, republic of the Marshall Islands, or the Federated States of Micronesia.

**“Native Americans”** means American Indians, Eskimos, Aleuts and Native Hawaiians.

**“Native Hawaiian Organization”** means any community service organization serving Native Hawaiians in and chartered as a not-for-profit organization by the State of Hawaii, which is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

**“Indian tribe”** means any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native Corporation as defined in 13 CFR 124.100 which is recognized as eligible for special programs and services provided by the U.S. to Indians because of their status of Indians, or which is recognized as such by the State in which such tribe, band, nation, group or community resides.

**“Women-owned small business concern”** means a small business concern which (a) is at least 51 percent owned by one or more women; or, in case of any publicly owned business, at least 51 percent of the stock which is owned by one or more women; and (b) whose management and daily business operations are controlled by one or more women.