

ATTACHMENT J.8

APPENDIX H

SMALL BUSINESS SUBCONTRACTING PLAN

**Applicable to the Operation of
Ernest Orlando Lawrence Berkeley National
Laboratory Contract No. DE-AC02-05CH11231**

Lawrence Berkeley National Laboratory (LBNL)
Small Business Subcontracting Plan – FY 2023

DATE: November 14, 2022

CONTRACTOR: The Regents of the University of California

ADDRESS: 1 Cyclotron Road, Berkeley, CA 94720

CONTRACT #: DE-AC02-05CH11231

ITEM/SERVICE: Management & Operation of Lawrence Berkeley National Laboratory

The following is hereby submitted as a Small Business Subcontracting Plan to satisfy the applicable requirements of Public Law 95-507 as implemented by FAR Clause 52.219-9.

1. The total estimated dollar value of all planned subcontracting (to all types of business concerns) under this contract is: **\$397,800,000**. The goals below are based on this projected spend. The amounts estimated to be available to small businesses are shown below.

The following percentage goals (expressed in terms of a percentage of total planned subcontracting dollars) are applicable to the contract cited above.

- (a) **Small business concerns: 50.0%** of total planned subcontracting dollars under this contract to go to subcontractors who are small business concerns.
- (b) **Veteran-owned small business concerns (VOSB): 3.0%** of total planned subcontracting dollars under this contract to go to subcontractors who are veteran-owned small business concerns. This percentage is included in the percentage shown under 1(a) above. Note: The VOSB goal will be primarily achieved by targeting opportunities towards the service-disabled veteran-owned small business (SDVOSB) concerns under the goal mentioned under (c) below.
- (c) **Service-disabled veteran-owned small business concerns (SDVOSB): 3.0%** of total planned subcontracting dollars under this contract to go to subcontractors who are service-disabled veteran-owned small business concerns. This percentage is included in the percentage shown under 1(a) and 1(b) above.
- (d) **HUBZone small business concerns: 3.0%** of total planned subcontracting dollars under this contract to go to subcontractors who are HUBZone small business concerns. This percentage is included in the percentage shown under 1(a) above.
- (e) **Small disadvantaged business concerns (SDB): 5.0%** of total planned subcontracting dollars under this contract to go to subcontractors who are small disadvantaged business concerns. This percentage is included in the percentage shown under 1(a) above.
- (f) **Women-owned small business concerns (WOSB): 5.0%** of total planned subcontracting dollars under this contract to go to subcontractors who are women-owned small business concerns. This percentage is included in the percentage shown under 1(a) above.

2. The following dollar values correspond to the percentage goals shown in (1) above.

- (a) Total dollars planned to be subcontracted to **small business concerns Including Alaskan Native Corporations (ANCs) and Indian Tribes: \$198,900.**
- (b) Total dollars planned to be subcontracted to **veteran-owned small business concerns: \$11,934.** This amount is included in the amount shown under 2(a) above.
- (c) Total dollars planned to be subcontracted to **service-disabled veteran-owned small business concerns: \$11,934.** This amount is included in the amount shown under 2(a) and 2(b) above.
- (d) Total dollars planned to be subcontracted to **HUBZone small business concerns: \$11,934.** This amount is included in the amount shown under 2(a) above.
- (e) Total dollars planned to be subcontracted to **small disadvantaged business concerns (Including ANCs and Indian Tribes: \$19,890.** This amount is included in the amount shown under 2(a) above.
- (f) Total dollars planned to be subcontracted to **women-owned small business concerns: \$19,890.** This amount is included in the amount shown under 2(a) above.

3. The following method was used in developing subcontract plan goals:

The Laboratory's FY 2023 subcontracting goals were based on subcontracting goals provided by the DOE and Laboratory estimated subcontracting spend for FY 2023. The Laboratory will strive to exceed these goals.

4. The following methods were used to identify potential sources for solicitation purposes:

The Laboratory plans to utilize in-reach and outreach activities to maximize opportunities to small businesses.

In-reach efforts to promote small business engagement and subcontracting:

- Review and update relevant Procurement Standard Practices and provide training to staff, as needed.
- Assist Procurement Specialists, as needed, with developing bidders' lists for individual requirements to include small businesses in the various socioeconomic categories.
- Assist Procurement Specialists in conducting market research for acquisitions greater than \$25,000, with increased emphasis on identifying potential SDB, VOSB, SDVOSB, HUBZone and WOSB set-asides and non-competitive opportunities when appropriate.
- Include small business goals as an element of employee performance goals.
- Monitor small business performance against LBNL's small business goals and brief management on progress, risks to meeting goals and provide recommendations.

- Maximize the utilization of LBNL's Mentor-Protégé Program, including training client departments on the Program benefits and procurement streamlining opportunities.
- To maximum extent practicable, continue eCommerce (eBuy) strategy of primarily using small business suppliers.

Outreach efforts to obtain sources and attract small businesses:

- Collaborate with small business trade associations and related organizations, and attend small business conferences, training and trade fairs when possible. We will select from the list below:
 - Procurement Technical Assistance Centers (PTAC) (does not offer membership)
 - DOE Annual Small Business Conference and other DOE small business events
 - Resuming LBNL "Industry Day" Event
 - Host LBNL's "Small Business Fridays" to engage prospective small businesses
- Leverage resources such as:
 - LBNL Supplier Registry
 - System for Award Management (SAM)
 - Advertising subcontracting opportunities on SAM.gov
 - SBA Dynamic Small Business Search
 - Alameda County Small-Local and Emerging Business (SLEB) Program
 - GSA, ICPT, SCMC, UC & NASA SEWP Agreements with small businesses
 - DOE Mentor-Protégé Program participants, Small Business Liaison Officers / Small Business Program Managers throughout the DOE complex, listings of available Small Business teaming arrangements and related resources

5. Indirect costs have not been included in the goals specified.

6. The following individual will administer the subcontracting program:

Name: Phillip McCants, or designee
Title: Small Business Liaison Officer (SBLO)
Address: 1 Cyclotron Road, MS 971-PROC, Berkeley, CA 94720
Telephone: 510-486-4595

This individual's specific duties, as they relate to the Laboratory's small business program, are as follows:

- Conduct market research for requisitions over \$25,000, as needed, to maximize subcontracting opportunities for small business concerns. Market research to include advocacy for small business teaming/mentor-protégé opportunities, noncompetitive and sole-source recommendations when appropriate.
- Identify requirements that can be set-aside for small businesses and among the multiple socio-economic categories.

- Assist procurement personnel and technical end users with monitoring activities to assure compliance with subcontracting plans, including verification of supplier credentials.
 - Utilize various sources for the identification of small business concerns (see outreach efforts above). This includes market introduction of potential sources to Lab customers and other stakeholders to assist them in their efforts to plan out requirements and increase small business participation at the Laboratory.
 - Attend a variety of small business events when possible or as needed (see outreach above).
 - Train procurement staff when needed, including new hires, on small business program requirements, processes and how to maximize small business opportunities.
 - Assist Procurement Specialists to document reasons for not selecting the lowest bids or bids within fair market value or other reasons to justify small business awards.
 - Monitor performance against socio-economic goals and advise manager accordingly.
 - Prepare and submit required reports.
7. The following efforts will be taken by the SBLO to assure that small business, service-disabled veteran owned, HUBZone small business, small disadvantaged business and women-owned business concerns will have an equitable opportunity to compete for subcontracts:
- (a) Advocate for SB set-asides, teaming/mentor-protégé opportunities and sole-source and non-compete SB awards when appropriate
 - (b) Monitor subcontractor's socio-economic performance against the goals (Good Faith Effort)
8. Lawrence Berkeley National Laboratory agrees that FAR 52.219-8 (*Utilization of Small Business Concerns*) will be included in all subcontracts (except subcontracts for commercial items \$750,000 or less on the date of subcontract award) and FAR 52.219-9 (*Small Business Subcontracting Plan*) in all commercial subcontracts greater than \$750,000 (\$1,500,000 for construction) date of subcontract award, with the exception of subcontracts for commercial items, if subcontract involves any further subcontracting opportunities. Such plans will be reviewed by comparing them with the provisions of FAR 52.219-9, and assuring that all minimum requirements of an acceptable subcontracting plan have been satisfied for maximum SB participation. The acceptability of percentage goals shall be determined on a case-by-case basis depending on the supplies/services involved and the availability of potential small business subcontractors. Once approved and implemented, plans will be monitored through the submission of periodic reports, and subcontracting program progress. We will discuss relevant goal attainment issues of SB subcontract plan holders when needed.
9. Lawrence Berkeley National Laboratory agrees to submit periodic reports and cooperate in any studies or surveys as may be required by the contracting agency or the Small Business Administration in order to determine the extent of compliance with the subcontracting plan and with the clause entitled "Utilization of Small Business Concerns" contained in the contract. We further agree to submit the Individual Subcontracting Report for Individual Contracts (ISR due at the end of April and October), and the Summary Subcontract Report (SSR due at the end of October), in accordance with the instructions outlined in the government wide eSRS Subcontracting Reporting System located at www.esrs.gov.

Additionally, we will ensure that our subcontractors will submit and report their progress via eSRS reports, as applicable.

10. LBNL agrees to maintain at least the following types of records to document compliance with this small business subcontracting plan:

- (a) Small Business source lists associated with previous requirements for future market research needs. Source list to include organizations contacted during the market research (if applicable).
- (b) Records on each subcontract solicitation resulting in an award of more than the Simplified Acquisition threshold, as defined in FAR 2.101 on the date of subcontract award, indicating on each solicitation (when applicable)
 - i. Whether small business concerns were solicited, and if not, why not;
 - ii. Whether service-disabled veterans-owned small business concerns were solicited, and if not, why not;
 - iii. Whether HUBZone small business concerns were solicited, and if not, why not;
 - iv. Whether small disadvantaged business concerns were solicited, and if not, why not;
 - v. Whether women-owned small business concerns were solicited, and if not, why not; and
 - vi. If applicable, the reason award was not made to a small or small disadvantaged business concern.
- (c) On a subcontract-by-subcontract basis, records to support award data including the name, address and business size of each subcontractor.

11. Other Assurances:

- (a) We have not and will not prohibit any subcontractor from discussing with our Contracting Officer any material matter pertaining to payment to, or utilization of, a subcontractor.
- (b) We have and will continue to pay our small business subcontractors on time and in accordance with the terms and conditions of the underlying subcontract and notify the Contracting Officer when we make either a reduced or an untimely payment to a small business subcontractor in accordance with the requirements in clause 1.88 (FAR 52.242-5, *Payments To Small Business Subcontractors*) in our DOE Prime Contract.
- (c) In the event that LBNL fails to meet socioeconomic goals of this SBSP or otherwise fails to satisfy any of its tenets, a written explanation of the causes and/or circumstances will be submitted to the DOE Berkeley Site Office's Contracting Officer within 30 days of contract completion.

This subcontracting plan was submitted by:

Signature:	<u>Diane A Hutchinson</u>
Name:	<u>Diane Hutchinson</u>
Title:	<u>Acting Chief Procurement Officer</u>
Date:	<u>November 14, 2022</u>

Digitally signed by
Diane A Hutchinson
Date: 2022.11.14
17:04:56 -08'00'

Phone Number: 510-486-6432

Approval:

Signature: Roshonda Parker Digitally signed by Roshonda Parker
Date: 2022.11.14 20:09:38 -08'00'

Name: Roshonda Parker

Title: DOE Contracting Officer

Date:

Phone Number: 510-486-4377