

ATTACHMENT J.8

APPENDIX H

**SMALL BUSINESS, VETERAN-OWNED SMALL BUSINESS,
SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS,
HUBZONE SMALL BUSINESS, SMALL DISADVANTAGED
BUSINESS, AND WOMEN-OWNED SMALL BUSINESS MODEL
SUBCONTRACTING PLAN**

**Applicable to the Operation of
Fermi National Accelerator Laboratory**

Contract No. DE-AC02-07CH11359



**INDIVIDUAL SUBCONTRACTING PLAN
FOR SMALL BUSINESS CONCERNS**

Fermi Research Alliance, LLC (FRA)
Pine St. and Kirk Rd. / Wilson St. and Kirk Rd.
Batavia, IL 60510

Prime Contract #: DE-AC02-07CH11359
Customer DUNS #: 626399831
Unique Entity ID: E1EUJL3KLKX5

INDIVIDUAL PLAN COVERING
October 1, 2022 – September 30, 2023

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Date: SBA Provided Approval on 10/19/2022

It is the policy of Fermi Research Alliance, LLC (FRA) that small, small disadvantaged, HUBZone small, woman-owned small, veteran-owned small and service-disabled veteran-owned small business concerns have the maximum practicable opportunity to participate in subcontracts let in the performance of the prime contract received by FRA consistent with the efficient performance of this contract.

The policy of FRA is to comply fully with regulations stated in FAR 52.219-8, 52.219.9 and Public Law 95-507. This subcontracting plan becomes a part of the overall Prime Contract, as it pertains to procurement.

SECTION I-STATEMENT OF GOALS
FAR 52.219-9(d)(1)/(2)

FRA has established the following goals for awards to small business concerns, and historically black colleges and universities and minority institutions, when applicable (see Table 1). In addition, awards will be made to AbilityOne participating non-profit agencies as appropriate opportunities arise. FRA makes every effort to include all small businesses; however, due to the unique nature of research and development projects, that is not always possible.

Table 1. Goals for Small Business Awards

Area	Amount (\$)	Percent
A. Total Contract Price	\$604,000,000	
B. Total to be Subcontracted	\$277,000,000*	
1. To Large Business	\$204,980,000	74.0%
2. To Small Business:	\$72,020,000	26.0%**
a. To Small Disadvantaged	\$11,080,000	4.0%***
b. To Woman-Owned	\$11,080,000	4.0%
c. To HUBZone	\$5,540,000	2.0%
d. To Veteran-owned	\$5,540,000	2.0%
e. To Service-Disabled Veteran-owned	\$2,770,000	1.0%

**Estimated.* This figure excludes awards to universities (\$28,000,000, estimated), as well as the award of the LBNF Nitrogen system which is a specialized procurement that presents no opportunity for small business participation (\$119,000,000).

**Please note that the proposed 26% SB goal cannot be reasonably increased due to the substantial amount of work required by FRA to successfully support services required for the Long Baseline Neutrino Facility (LBNF) and Proton Improvement Plan II (PIP-II) projects (both multi-million-dollar efforts) that increase our base.

***Subcontracts awarded to an ANC or Indian tribe shall be counted towards the subcontracting goals for small business and small disadvantage business (SDB) concerns.

**SECTION II-SUBCONTRACTED ITEMS
FAR 52.219-9(d)(3)**

Principal types of subcontracted products and services are detailed in Table 2.

Table 2. Typical Subcontracted Products and Services

Subcontracted Supplies/Services	LG	SB	SDB	WOSB	HUB Zone	VOSB	SDVOSB
Construction Service	X	X	X	X	X		X
Janitorial Service		X	X				
Housekeeping		X		X			
Fabrications	X	X	X	X		X	X
Computers	X	X	X	X	X		X
Software	X	X	X				
Maintenance Supplies		X	X	X	X	X	X
Construction Supplies	X	X	X			X	X
Office Supplies	X	X	X	X			X
Chemicals	X	X					
Maintenance Services	X	X	X	X		X	

**SECTION III-METHOD OF DEVELOPING GOALS
FAR 52.219-9(d)(4)**

The dollar and percentage subcontracting goals were developed by evaluating requirements and identifying potential sources using company source lists, purchase order history and supplier quotes (including supplier types that supplied similar items previously). The following methods are also used to assist with development of goals: projected large procurements, past performance, general historic data, knowledge gained from outreach efforts, participation in/hosting small business fairs/outreach events, communications with subcontractors, trade publications, and interviews.

The goals are then determined based on the classification of each business. The analysis also includes FRA’s ability to meet goals in the recent past and other historical data.

FRA utilizes the expertise found at other DOE laboratories and products or services may be subcontracted at one or more of these locations. “Make/Buy” decisions for procurement activities that are performed or manufactured internally are not candidates for outside sourcing.

SECTION IV-IDENTIFICATION OF POTENTIAL SUPPLIERS
FAR 52.219-9(d)(5)

Procurement Specialists identify qualified small business concerns in one or more of the following manners:

- Reference to the company supplier directory source list and/or supplier portal.
- Written representations submitted by the contractor.
- Self-initiated action to expand the supplier base.
- Enlisting assistance of the FRA-SBLO who will contact the regional office of the Small Business Administration.

In addition to reliance on internal source list directories and inter-organizational data for identification of potential suppliers, company procurement personnel use numerous outside directories. Sources include:

- System for Award Management (SAM)
- Government Contracting Resource Center Database (Govcon)
- National Directory of Minority Businesses
- DoD Regional Small Business Council Directories
- State PTAC's
- Diversity Information Resources website
- Various Trade Directories (i.e. Thomas Register)

Further, FRA takes care to participate in assorted procurement conferences, trade fairs, and congressional conferences.

SECTION V- DIRECT & INDIRECT COSTS
FAR 52.219-9(d)(6)

Indirect costs: Are included Are not included

Indirect costs allocations are calculated based on the previous year's total annual sales to the Government.

SECTION VI-AMINISTRATION OF SUBCONTRACTING PROGRAM
FAR 52.219-9(d)(7)

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The plan is administered in accordance with applicable government regulations and instructions received from the SBA, or the contracting agency. The Administrator also performs the following duties:

- Maintain liaison with the Small Business Administration and/or cognizant Government Small Business Specialist on all matters pertaining to this program.
- Develop and promote company-wide policy initiatives that demonstrate the company's support for awarding subcontracts to small business concerns.
- Maintain records showing procedures that have been adopted to comply with the policies set forth in this procedure for review by the cognizant Government Small Business Representative.
- Establish and maintain a Small Business Subcontracting Plan per FAR 52.219-9 on all proposals or contracts.
- Provide analyses that indicate adequate and timely consideration of the potentialities of known small business concerns in all proposal and post-contract award "make or buy" decisions.
- Supervise compliance with the "Utilization of Small Business Concerns" clause, FAR 52.219-8.
- Update source lists of Small Business concerns using a referral system maintained by the Small Business Administration and various interracial councils and minority organizations.
- Ensuring periodic rotation of potential subcontractors on source lists.
- Provide effective training, particularly for Procurement Specialists to assist small business firms. Training to include effective use of potential source lists and other resources, solicitation, counseling, technical, financial, or other assistance as required facilitating increased participation in bidding and receiving awards. Training and guidance may also be accomplished through:
 - Presenting workshops, seminars, and training programs,
 - Establishing, maintaining, and using small business concerns source lists, guides, and other data for soliciting subcontracts,
 - Monthly reporting on small business concerns awards by individual Procurement team members to raise awareness and accountability,
 - Monitoring activities to evaluate compliance with the subcontracting plan.
- Attend or arrange for the attendance of company counselors at Small Business Opportunity Workshops, Minority and Women Business Enterprise Seminars, Trade Fairs, Procurements Conferences, etc.
- Monitor the company's performance and make necessary adjustments to ensure every attempt is made to achieve the subcontract plan goals.
- Prepare, and submit timely, required subcontract reports.
- Coordinate the company's activities during compliance reviews by Federal agencies.

SECTION VII-EFFORTS TO ENSURE EQUITABLE OPPORTUNITY

FAR 52.219-9(d)(8)

FRA will make every effort to assure fair and equitable opportunity for SB, SDB, WOSB, HUBZone, VOSB and SDVOSB concerns by:

- Examining acquisitions to determine the extent of subcontracting opportunities.
- Dividing proposed acquisition of supplies and services, into quantities not less than economic production runs, to permit bidding on economic quantities less than the total requirement.
- Providing adequate and timely consideration of the potentialities of SB, SDB, WOSB, HUBZone, SDVOSB and VOSB concerns.
- Evaluating current supply base and determine which areas are not currently represented.
- Allowing maximum practicable time for bidding.
- Establishing delivery schedules that will encourage small business participation.
- Providing technical assistance and financial assistance as necessary to small business concerns.
- Making drawings and specifications available to small business concerns.
- Specialized training will be made available to the Small Business concern should a process be required by contract.
- A Best Effort will be made to utilize HBCUs/MIs for research or studies whenever applicable. If utilized, these dollars will be included in the Small Disadvantaged business goals (Table 1).
- FRA will participate in small business matchmaking events, trade fairs and conferences, such as Veteran Owned Small Business Conference and Minority Business Opportunity conferences, DOE Small Business Conference, Business Matchmaking Conferences, Local visits to Trade Associations, and the Office of Science Procurement Managers Meeting to ensure exposure to potential new small business concerns.
- Maintaining contact with the following small business development organizations:
 - DOE Small Business (OSDBU)
 - Office of Science Procurement Managers
 - Illinois Procurement Technical Assistance Center
 - U.S. Small Business Administration
 - Hispanic American Construction Industry Association
 - Women’s Business Development Center

SECTION VIII-UTILIZATION OF SMALL BUSINESS CONCERNS

FAR 52.219-9(d)(9)

FRA will include the clause entitled “Utilization of Small Business Concerns” in all subcontracts that offer further subcontracting opportunities (FAR 52.219-8). Further, FRA will require all subcontractors (except small businesses) who receive subcontracts exceeding \$750,000 (\$1,500,000 for construction of any public facility) with further subcontracting possibilities to adopt a subcontracting plan that complies with the requirements of this clause.

SECTION IX-REPORTS AND STUDIES**52.219-9(d)(10)**

FRA agrees to:

- Cooperate in any studies or surveys as may be required.
- Submit periodic reports so that the Government can determine the extent of compliance by the offeror with the subcontracting plan.
- After November 30, 2017, include subcontracting data for each order when reporting subcontracting achievements for indefinite-delivery, indefinite-quantity contracts intended for use by multiple agencies.
- Submit the Individual Subcontract Report (ISR) and/or the Summary Subcontract Report (SSR), in accordance with paragraph (l) of this clause using the Electronic Subcontracting Reporting System (eSRS) at <http://www.esrs.gov> . The reports shall provide information on subcontract awards to small business concerns, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business concerns, small-disadvantaged business concerns, woman-owned small business concerns, and Historically Black Colleges and Universities and Minority Institutions. Reporting shall be in accordance with this clause, or as provided in agency regulations.
- Ensure that its subcontractors with subcontracting plans agree to submit the ISR and/or the SSR using eSRS.
- Provide the prime contract number, its DUNS number, and the e-mail address of the Government or Contractor official responsible for acknowledging or rejecting the reports, to all first-tier subcontractors with subcontracting plans so they can enter this information into the eSRS when submitting their reports; and
- Require that each subcontractor with a subcontracting plan provide the prime contract number, its own DUNS number, and the e-mail address of the subcontractor's official responsible for acknowledging or rejecting the reports, to its subcontractors with subcontracting plans.
 - Subcontractor subcontracting plans will be reviewed by comparing them with the provisions of Public Law 95-507 and assuring that all minimum requirements of an acceptable subcontracting plan have been satisfied. The acceptability of percentage goals shall be determined on a case-by-case basis depending on the supplies/services involved, the availability of potential small business concerns 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.
 - As prescribed in FAR Subpart 19.301(d), the Federal U.S. Government may impose a penalty against any firm misrepresenting their business size as a small business, or any small business concern sub-category 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.

SECTION X-RECORD TO BE MAINTAINED
FAR 52.219-9(d)(11)

FRA maintains all records required under FAR 52.219-9 as follows:

- Small Business source lists and Internet resources are available in the purchasing area for Procurement Specialist referral and use. They are as follows:
 - System for Award Management (SAM) www.sam.gov
 - VetBiz.gov
 - Purchasing Guide Database
 - Minority Business and Professional Directory
 - Diversity Information Resources Information Research Guide
 - Dynamic Small Business Search
 - National Association of Women Business Owners
- A log is maintained by the SBLO of all contacts made to secure additional small business sources.
- On each subcontract solicitation resulting in an award of more than the simplified acquisition threshold, records indicating:
 - Whether small, small disadvantaged, HUBZone small, woman-owned small, veteran-owned small, service-disabled veteran-owned business concerns were solicited and if not, why not
 - If applicable, the reason award was not made to a small business concern.
- Records are maintained by the SBLO to support and show participation in the following:
 - Contacts with various trade groups representing small, small disadvantaged, HUBZone small, woman-owned small, veteran-owned small, and service-disabled veteran-owned business concerns including participation in the Veteran-owned Small Business Engagement, when applicable.
 - Contacts with business development organizations.
 - Attendance at trade fairs and conferences.
 - FRA maintains records of outreach to contact veteran service organizations and other small businesses which are available for review upon request. There are over 45 organizations with which we seek business opportunities and maintain relationships with.
- Training sessions with both large and small business concerns regarding small business subcontracting. Records of internal guidance and encouragement provided to Procurement Specialists through workshops, training, and seminars. Additionally, the SBLO conducts internal classes with the Procurement Specialists, ensuring their compliance with all regulations.
- Compliance with the plan is maintained on a contract-by-contract basis showing awards to small and large businesses.
- In accordance with FAR 52.219-9(d)(11)(vi), FRA maintains, in our business system, records of all award determinations, including applicable contract and subcontractor data, available for review upon request.

SECTION XI-ENGAGING SMALL BUSINESSES

FAR 52.219-9(d)(12)

FRA will make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from the small business concerns that it used in preparing the bid or proposal, in the same or greater scope, amount, and quality used in preparing and submitting the bid or proposal. Responding to a request for a quote does not constitute use in preparing a bid or proposal.

FRA will use a small business concern in preparing the bid or proposal if–

- FRA identifies the small business concern as a subcontractor in the bid or proposal or associated small business subcontracting plan, to furnish certain supplies or perform a portion of the subcontract; or
- FRA will use the small business concern’s pricing or cost information or technical expertise in preparing the bid or proposal, where there is written evidence of an intent or understanding that the small business concern will be awarded a subcontract for the related work if FRA is awarded the contract.

SECTION XII-EFFORT TO NOTIFY

FAR 52.219-9(d)(13)

FRA will make every effort to assure that it will provide the FSO Contracting Officer with a written explanation if FRA fails to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work as described in (d)(12) of this clause. This written explanation must be submitted to the FSO Contracting Officer within 30 days of contract completion.

SECTION XIII-NOT TO IMPEDE COMMUNICATION

FAR 52.219-9(d)(14)

FRA will make every effort to assure that it will not prohibit a subcontractor from discussing with the FSO Contracting Officer any material matter pertaining to payment to or utilization of a subcontractor.

SECTION XIV-TIMELY PAYMENTS

FAR 52.219-9(d)(15)

FRA will pay its small business subcontractors on time and in accordance with the terms and conditions of the underlying subcontract and will notify the FSO Contracting Officer when it makes either a reduced or an untimely payment to a small business subcontractor. (Reference FAR 52.245-5)

SECTION XV-MENTOR PROTÉGÉ PROGRAM

FRA agrees to establish and implement an official DOE approved “Mentor-Protégé” in accordance with DOE DEARS Part 919. The Small Business Program Manager is the individual designated to administer this program.

SECTION XVI-SMALL BUSINESS SET-ASIDES

Acquisition of construction estimated to cost \$3.5 million or less, including new construction, and repair and alteration of structures, shall be solicited as a small or small disadvantaged business 8(a) set-aside. For acquisitions in excess of \$3.5 million, small business or small disadvantaged business 8(a) set-aside will be considered on a case-by-case basis.

SECTION XVII-DESCRIPTION OF GOOD FAITH EFFORT

FRA 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 with small business concerns.

REVISION RECORD

Revision Date	Revision Level	Author	Description
10/06/2022	0	Gordon E. Bagby	Initial Release