

Table of Changes for
Fermi Research Alliance, LLC
Contract No. DE-AC02-07CH11359
Modification No. 265

The purpose of this modification is to update the following:

CONTRACT SECTION J ATTACHMENT 8 APPENDIX H

SMALL BUSINESS SUBCONTRACTING PLAN

Appendix H is replaced in its entirety. Small Business Subcontracting Plan incorporated in Modification No. 255 is hereby replaced with the FY 2021 Small Business Subcontracting Plan, dated November 30, 2020.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

PAGE OF 1 of 2

2. AMENDMENT/MODIFICATION NO.

265

3. EFFECTIVE DATE

See Block 16C

4. REQUISITION/PURCHASE REQ. NO.

5. PROJECT NO. (If applicable)

N/A

6. ISSUED BY CODE

U.S. Department of Energy
Office of Science/Fermi Site Office
P.O. Box 2000, Wilson Hall – MS 118
Batavia, IL 60510

7. ADMINISTERED BY (If other than Item 6) Code

See Block 6.

8. NAME AND ADDRESS OF CONTRACTOR (No. street, county, State and ZIP Code)

Fermi Research Alliance, LLC
1111 19th Street, N.W.
Suite 400
Washington, D.C. 20036

DUNS: 62-639-9831

CODE N/A

FACILITY CODE N/A

(✓)

9.A. AMENDMENT OF SOLICITATION NO.

9.B. DATED (SEE ITEM 11)

10.A. MODIFICATION OF Contract/Order NO.

DE-AC02-07CH11359

10.B. DATED (SEE ITEM 13)

November 1, 2006

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 telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGEMENT 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 telegram or letter, provided each telegram or letter 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)

Not Applicable

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.

B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.)

X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: Mutual Agreement of the Parties

D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor is required to sign this document and return 1 copy to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section heading, including solicitation/contract subject matter where feasible.)

SEE PAGE 2

15A. NAME AND TITLE OF SIGNER (Type or print)

Nigel Lockyer, President Fermi Research Alliance LLC

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)

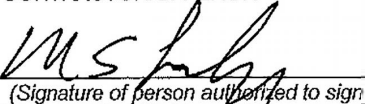
Tiffany L. Rogers, Contracting Officer

15B. CONTRACTOR/OFFEROR

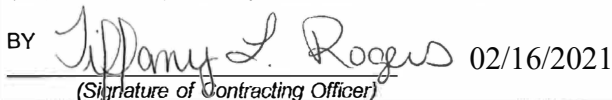
15C. DATE SIGNED

16B. UNITED STATES OF AMERICA

16C. DATE SIGNED


(Signature of person authorized to sign)

2/10/2021

BY 
(Signature of Contracting Officer) 02/16/2021

14. Description of Amendment/Modification:

The purpose of this modification is to update the following:

1. ATTACHMENT J.8 - APPENDIX H – SMALL BUSINESS SUBCONTRACTING PLAN dated 3/18/2019, (attached hereto) is substituted for the APPENDIX H – SMALL BUSINESS SUBCONTRACTING PLAN previously incorporated into this contract by Modification No. 232.

All other terms and conditions remain unchanged.

END OF MODIFICATION

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

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

Identification Data

Contractor: Fermi Research Alliance, LLC

Address: Wilson & Kirk Roads

Batavia, IL 60510

Solicitation or Contract Number: DE-AC02-07CH11359

Item/Service: Management & Operation of FNAL

Total Amount of Contract (Including Options) \$575,000,000.00 (Est.)

Period of Contract Performance (DAY, MO. & YR.) 10/01/2020-
09/30/2021.

1. Type of Plan

X Individual Contract Plan - 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.

_____ Master Plan - Master Plan means a subcontracting plan that contains all of the required elements of an individual contract plan, except goals, and may be incorporated into individual contract plans, provided the master plan has been approved.

_____ Commercial Plan - Commercial Plan means a subcontracting plan (including goals) that covers the offeror's fiscal year and that applies to the entire production of commercial items sold by either the entire company or a portion thereof (e.g., division, plant, or product line). The contractor must provide a copy of the approved plan. **NOTE: A commercial plan is the preferred type of subcontracting plan for contractors furnishing commercial items.**

2. Goals

A. Total estimated dollar value of all planned subcontracting, i.e., with all types of concerns under this contract, is \$ 200,000,000.00. This figure excludes awards to universities (estimated value \$27,000,000.00), award for LBNF civil construction that is in excess of small business bonding limits (estimated value \$199,816,782), and award of the LBNF Nitrogen System which is a specialized procurement that presents no opportunity for small business participation (estimated value \$119,000,000).

B. Total estimated dollar value and percent of planned subcontracting with small businesses (includes small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns): (% of "A"):
\$ 80,000,000 and 40 %

Please note that the proposed 40% Small Business Goal cannot be reasonably increased due to the substantial amount of work required by Fermi Research Alliance (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.

- C. Total estimated dollar value and percent of planned subcontracting with service-disabled veteran-owned small businesses (% of "A"):
\$ 4,000,000 and 2 %
- D. Total estimated dollar value and percent of planned subcontracting with veteran-owned small businesses (% of "A"):
\$ 4,000,000 and 2 %
- E. Total estimated dollar value and percent of planned subcontracting with HUBZone small businesses (% of "A"):
\$ 6,000,000 and 3 %
- F. Total estimated dollar value and percent of planned subcontracting with small disadvantaged business (% of "A"):
\$ 10,000,000 and 5 %
- G. Total estimated dollar value and percent of planned subcontracting with women-owned small business (% of "A"):
\$ 10,000,000.00 and 5 %
- H. Total estimated dollar value and percent of planned subcontracting with **LARGE BUSINESS** (% of "A")
\$ 120,000,000.00 and 60 %
- I. Provide a description of the principal types of supplies and services to be subcontracted under this contract, and an indication of the types planned for subcontracting to (i.e., small business (SB), veteran- owned small business (VOB), service-disabled veteran- owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), women-owned small business (WOSB), and large business (LB).

Subcontracted Supplies/ Service	SB	VOB	SDVOB	HUB	SDB	WOSB	LB
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

J. A description of the method used to develop the subcontracting goals for small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), women-owned small business (WOSB), and large business (LB) concerns.

To establish these goals, FRA used past performance; general historic data; knowledge gained from outreach efforts; and communication with other contractors, trade publications, and interviews.

K. Indirect costs have not been included in establishing the dollar and percentage subcontracting goals stated above.

L. If indirect costs have been included, describe the method used to determine the proportionate share of such costs to be incurred with small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), women-owned small business (WOSB), and large business (LB) concerns.

3. Program Administrator

Name: Gordon Bagby

Title/Position: Procurement Operations Assurance Manager

Address: P.O. Box 500
Batavia, Illinois 60506

Telephone: 630/840-3388

Duties: Has general overall responsibility for the contractor's 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 company-wide policy initiatives that demonstrate the company's support for awarding contracts and subcontracts to small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) concerns are included on the services they are capable of providing;
- B. Developing and maintaining bidder's lists of small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) concerns from all possible sources;
- C. Ensuring periodic rotation of potential subcontractors on bidder's lists;
- D. Ensuring that procurement "packages" are designed to permit the maximum possible participation of small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) concerns within State Purchasing laws and regulations;
- E. Make arrangements for the utilization of various sources for the identification of small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB),

and women-owned small business (WOSB) concerns such as the System for Award Management (SAM) Dynamic Small

Business Search, the DOE's Small Business Energy Contract database, the VetBiz database, the National Minority Purchasing Council Vendor Information Service, the Office of Minority Business Data Center in the Department of Commerce, Women Business Enterprise Council Vendor Information Service, and the facilities of local small business, small disadvantaged business (minority), women associations, and contact with Federal agencies' Small Business Program Managers;

- F. Overseeing the establishment and maintenance of contract and subcontract award records;
- G. Attending or arranging for the attendance of company counselors at Small Business Opportunity Workshops, Minority and Women Business Enterprise Seminars, Trade Fairs, Procurements Conferences, etc.;
- H. Ensure small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) concerns are made aware of subcontracting opportunities and how to prepare responsive bids to the company;
- I. Conducting or arranging for the conduct of training for Procurement personnel regarding the intent and impact of Public Law 95-507 on procurement procedures;
- J. Monitoring the company's performance and making any adjustments necessary to achieve the subcontract plan goals;
- K. Preparing, and submitting timely, required subcontract reports;
- L. Coordinating the company's activities during the conduct of compliance reviews by Federal agencies;
- M. Reviewing solicitations to remove statements, clauses, etc., which may tend to restrict or prohibit small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) concerns participation, where possible.

- N. Ensuring that the bid proposal review board documents its reasons for not selecting low bids submitted by small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) concerns.
- O. Ensuring the establishment and maintenance of records of solicitations and subcontract award activity.
- P. Ensuring that Historically Black Colleges and Universities and Minority Institutions shall be afforded maximum practicable opportunity (if applicable).

4. Equitable Opportunity

In accordance with FAR 19.704(a)(3), the contractor agrees to ensure that small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) concerns will have an equitable opportunity to compete for subcontracts. The various efforts include, but are not limited to, the following activities:

- A. Outreach efforts to obtain sources:
 - (i) Contacting small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) trade associations.
 - (ii) Contacting 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

- (iii) Attending small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) procurement conferences and trade fairs.

DOE Small Business Conference

Business Matchmaking Conferences

Local visits to Trade Associations

Office of Science Procurement Managers Meeting

- (iv) Potential sources will be requested from the System for Award Management (SAM) Dynamic Small Business Search, the DOE's Small Business Energy Contract database, the VetBiz database, and other electronic medium.

B. Internal efforts to guide and encourage Procurement personnel:

- (i) Presenting workshops, seminars, and training programs;
- (ii) Establishing, maintaining, and using small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) source lists, guides, and other data for soliciting subcontracts; and
- (iii) Monthly reporting on Small Business category awards by individual Procurement team members to raise awareness and accountability;
- (iv) (iv) Monitoring activities to evaluate compliance with the subcontracting plan.

5. Flow-Down Clause

The contractor agrees to include the provisions under FAR 52.219-8, "Utilization of Small Business Concerns, in all

subcontracts that offer further subcontracting opportunities.

The contractor will also require all subcontractors, except small business concerns, 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." (FAR 19.704(a)(4)).

Such 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 (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business 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, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns status 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.

6. Timely Payments to Subcontractors

The Contractor agrees to ensure the timely payment of amounts due pursuant to the terms of the subcontracts with small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns.

7. Reporting and Cooperation

The contractor gives assurance of (1) cooperation in any studies or surveys that may be required by the contracting agency or the Small Business Administration; (2) submission of periodic reports such as utilization reports, which show compliance with the subcontracting

plan; (3) submission of timely "Subcontracting Report for Individual Contracts," (SRI) and "Summary Subcontract Report," (SSR) in accordance with the instructions identified on the eSRS website (www.esrs.gov); and (4) ensuring that large business subcontractors with subcontracting plans agree to electronically input to the eSRS.

<u>Reporting Period</u>	<u>Report Due</u>	<u>Due Date</u>
Oct 1 - Mar 31	SRI	04/30
Apr 1 - Sep 30	SRI	10/30
Oct 1 - Sep 30	SSR	10/30

8. Record Keeping

The following is a recitation of the types of records the contractor 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. Organizations contacted in an attempt to locate small business (SB), veteran-owned small business (VOB), service-disabled veteran-owned small business (SDVOB), HUBZone small business (HUB), small disadvantaged business (SDB), and women-owned small business (WOSB) sources;
- B. On a contract-by-contract basis, records on all subcontract solicitations over \$150,000 which indicate for each solicitation (1) whether small business concerns were solicited, and if not, why not; (2) whether veteran-owned small businesses were solicited, and if not, why not; (3) whether service-disabled veteran-owned businesses were solicited, and if not, why not; (4) whether HUBZone small businesses were solicited, and if not, why not; (5) whether small disadvantaged business concerns were solicited, and if not, why not; (6) whether women-owned small businesses were solicited, and if not, why not; and (7) reason for failure of solicited small business, veteran-owned small business, service-disabled veteran-owned small business, small disadvantaged business, women-owned small business, or HUBZone small business concerns to receive the subcontract award;
- C. Records to support other outreach efforts, e.g., contacts with small disadvantaged business (minority), small business, veteran-owned small business, service-disabled veteran-owned small business, women-owned small business, HUBZone small business trade

associations, attendance at small business, small disadvantaged business (minority), service-disabled and veteran-owned small business, women-owned small business procurement conferences and trade fairs;

- D. Records to support internal guidance and encouragement, provided to buyers through (1) workshops, seminars, training programs, incentive awards; and (2) monitoring of activities to evaluate compliance; and
- E. On a contract-by-contract basis, records to support subcontract award data including the name, address and business size of each subcontractor.
- F. Source lists (e.g. SAM), guides, and other data that identify small business, veteran owned small business, service disabled veteran owned small business, HUB zone small business, small disadvantaged business, and women owned small business concerns.

9. Mentor-Protégé Program

The Contractor agrees to establish and implement an official DOE approved "Mentor-protégé" in accordance with DOE DEARS Part 19. The Small Business Program Manager is the individual designated to administer this program.

10. Description of Good Faith Effort

The Contractor 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, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. The following steps shall be taken.

- A. Issue and promulgate company-wide policy statements in support of the small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business effort. 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 business, veteran-

owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns.

- C. Demonstrate continuing management interest and involvement in support of this effort through such actions as regular reviews of progress.
- D. Train and motivate FERMI RESEARCH ALLIANCE personnel regarding the need for the support 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.
- E. 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, allowing time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns to enable these firms to compete fairly.
- F. Counsel and discuss subcontracting opportunities with small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns.
- G. Execute Service Agreements, Teaming Agreements, and Basic Ordering Agreements with qualified small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business firms, as required, in an attempt to ensure availability and usage of subcontractor personnel to support FERMI RESEARCH ALLIANCE work efforts when required.
- H. Make available specifications, drawings, and other relevant data so that qualified, known small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns have an equal opportunity in preparing bids.
- I. Establish and maintain a categorized list of potential subcontractors with separate

identification 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.

11. Construction Set-Asides

Acquisition of construction estimated to cost \$3.5 million or less, including new construction, and repair and alteration of structures, shall be a small or small disadvantaged business 8(a) set-aside. For acquisition 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.

This subcontracting plan was submitted by:

Signature: _____

Typed Name: L. L. Collins, CPCM, C.P.M.

Title: Acquisition Officer

Date Prepared: 01 October 2020

Phone No.: 630-840-4032

Approval:

Agency: U.S. Department of Energy

Signature: _____

Typed Name: Bryan O' Shaughnessy

Title: Contracting Officer

Date Prepared: 10/01/2020 - SBA Provided Approval on 1/15/2020

Phone No.: 630-840-3783

