

Date 05/18/12



Environmental Management Consolidated Business Center (EMCBC)

Subject: Small Business Program

Implementing Procedure

APPROVED: (Signature on File)

EMCBC Director

ISSUED BY: OFFICE OF CONTRACTS

1.0 PURPOSE

The purpose of this procedure is to establish an Environmental Management Consolidated Business Center (EMCBC) process for the small business reviews exceeding the simplified acquisition threshold (\$100,000) and the review and approval of the Small Business Subcontracting Plan received in response to an EMCBC solicitation/contract.

2.0 SCOPE

The scope of this procedure is to establish the requirements for the submittal and review of the DOE 4220.2, Small Business Review, and the review and approval of the Small Business Subcontracting Plan.

3.0 APPLICABILITY

All EMCBC personnel shall comply with this procedure.

4.0 REQUIREMENTS

4.1 Federal Acquisition Regulation (FAR) Part 2, Definitions of Words and Terms

4.2 Federal Acquisition Regulation (FAR) Part 13, Simplified Acquisition Procedures

4.3 FAR Part 19, Small Business Programs

4.4 Department of Energy Acquisition Regulation (DEAR) Part 919, Small Business Programs

4.5 Acquisition Letter (AL) 2005-08, Small Business Programs, dated June 10, 2005 and its Revision dated May 24, 2006.

4.6 Electronic Subcontracting Reporting System (ESRS) Guide

5.0 DEFINITIONS – NOT APPLICABLE

6.0 RESPONSIBILITIES

6.1 Small Business Contracting

6.1.1 Program Officials/Heads of Contracting Activities:

All program officials are responsible for effectively implementing the small business program. Heads of contracting activities (HCAs) are responsible for effectively implementing the small business programs within their activities, including achieving program goals. The HCAs are to ensure that contracting and technical personnel maintain knowledge of small business program requirements and take all reasonable action to increase participation in their activities' contracting processes by these businesses.

6.1.2 CS/CO:

- 6.1.2.1 The CS/CO is responsible for reserving exclusively for small business concerns each acquisition of supplies or services that has an anticipated dollar value exceeding \$3,000 (\$15,000 for acquisitions as described in the Federal Acquisition Regulation (FAR), (Requirement 4.2) 13.201(g)(1)(i) and \$25,000 as described in FAR 13.201(g)(1)(ii)), but not over \$100,000 (\$250,000 for acquisitions described in Paragraph (1), and \$1 million for acquisitions described in paragraph (2), of the Simplified Acquisition Threshold definition at FAR 2.101, (Requirement 4.1)), unless the CO determines 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. This also applies to purchase card transactions.
- 6.1.2.2 The CS/CO is responsible for setting aside any acquisition over \$100,000 for small business participation when there is a reasonable expectation that (1) offers will be obtained from at least two responsible small business concerns offering the products of different small business concerns and (2) award will be made at fair market prices.
- 6.1.2.3 The CS/CO is responsible for referring to the Office of Small Disadvantaged Business Utilization (OSDBU) and the Small Business Administration (SBA)-Procurement Center Representative (PCR) all proposed acquisitions estimated to be over \$3 million in value and not recommended for set-aside for small business. This review covers all new acquisition requirements, including contracts, exercise of Facility Management Contract (FMC) options, and issuing orders against Federal Supply Schedules (FSS) and Governmentwide Acquisition Contracts (GWACs).

- 6.1.2.4 The CS/CO is responsible for determining the appropriate product or service classification and related small business size standard.
- 6.1.2.5 The CS/CO is responsible for ensuring that DOE Form 4220.2, “Small Business Review”, (Attachment A) is typed, properly completed, and staffed through the Small Business Program Manager (SBPM) for advisory comments prior to making a final determination.

6.1.3 SBPM:

- 6.1.3.1 The SBPM is responsible for participating in the planning of, and making recommendations as to set-aside, for acquisitions over \$100,000. The review process should address the goaled small business category areas (small business, small disadvantaged business (includes 8(a)), service-disabled/veteran owned small business, women-owned small business, and historically underutilized business zones.
- 6.1.3.2 The SBPM is responsible for providing support to the Contract Specialist (CS)/Contracting Officer (CO) in the completion and submittal of the DOE Form 4220.2, “Small Business Review, (Attachment A).

6.2 Subcontracting with Small Business

6.2.1 CS/CO:

- 6.2.1.1 The CS/CO is responsible for ensuring that all contractors, including Management and Operation (M&O) contractors, with contracts over \$550,000 (\$1 million if construction) have a small business subcontracting plan in place that has aggressive small business goals, and that subcontract reports, both the Individual Subcontracting Report and the Summary Subcontracting Report, are done in the electronic Subcontracting Reporting System (eSRS). Exceptions to this requirement can be found at FAR 19.702 (b), (Requirement 4.3).
- 6.2.1.2 The CS/CO is responsible for ensuring that every subcontracting plan, at a minimum, supports achievement of the agency-wide goals negotiated with the SBA by the OSDBU.
- 6.2.1.3 The CS/CO is responsible for evaluating subcontracting plans in accordance with the attached subcontracting plan checklist (IP-540-08-F1, “Individual Subcontracting Plan Checklist and Review” (Attachment B).

6.2.1.4 The CS/CO is responsible for submitting through the OSDBU to the HCA for approval/disapproval all subcontracting plans that reflects less than the agency-wide goals.

6.2.1.5 The CS/CO is responsible, under the eSRS, for reviewing the Individual Subcontracting Report against the subcontracting plans that pertain to their contracts.

6.2.2 SBPM:

6.2.2.1 The SBPM is responsible for reviewing the subcontracting plan in accordance with the attached subcontracting plan checklist (Attachment B, IP-540-08-F1, “Individual Subcontracting Plan Checklist and Review”).

6.2.2.2 The SBPM is responsible for ensuring that the Summary Subcontracting Report is complete and accurate with the OSDBU having overall responsibility for the SSR.

7.0 GENERAL INFORMATION – NOT APPLICABLE

8.0 PROCEDURE

8.1 Small Business Contracting:

8.1.1 CS/CO:

8.1.1.1 The CS/CO will complete and submit the DOE Form 4220.2 “Small Business Review”, (Attachment A), to the SBPM for review and advisory comment prior to making a final determination. It is a PDF fillable form at <http://www.directives.doe.gov/dfs/forms/4220-2.pdf>. The DOE Form 4220.2 will be submitted to the SBPM except for the following:

8.1.1.1.1 Acquisitions less than the Simplified Acquisition Threshold;

8.1.1.1.2 Basic research contracts with educational institutions;

8.1.1.1.3 Incremental funding or other modifications where there is no change in the scope of the work to existing contracts;

8.1.1.1.4 Proposed awards to be made pursuant to the Small Business Innovative Research Program (SBIR);

8.1.1.1.5 Items required to be purchased from **mandatory** Federal Supply Schedule sources.

8.1.1.2 The CS/CO will submit to the SBPM, concurrent with the DOE Form 4220.2 “Small Business Review”, (Attachment A) the following supporting documentation for a competitive Request for Proposals (RFPs):

8.1.1.2.1 Copy of Purchase Request (PR);

8.1.1.2.2 Copy of the Acquisition Plan (draft is acceptable);

8.1.1.2.3 Copy of the Statement of Work (SOW) or a copy of the technical description that will appear in the RFP. This may be included in any way that is easiest for the individual submitting the information. It may be included on the form itself in the “Item Title/Description” block, or as an attachment;

8.1.1.2.4 A description of the market research conducted. This can be a listing or description of the method(s) used to search the market for sources, e.g. sources sought synopsis, Central Contractor Registration (CCR) search, professional conferences, meetings with industry regarding the procurement or technology in general, etc;

8.1.1.2.5 Results of the market research. This should be a listing of the anticipated responsible/responsive sources, along with each sources’ size status; e.g. large business, small business, small disadvantaged business, historically underutilized business zone, woman owned small business, veteran owned/service-disabled veteran owned small business.

8.1.1.3 The CS/CO will submit to the SBPM, concurrent with the DOE Form 4220.2, “Small Business Review”, (Attachment A) the following supporting documentation for a sole source action:

8.1.1.3.1 Copy of Purchase Request (PR)

8.1.1.3.2 Copy of Acquisition Plan (draft is acceptable);

8.1.1.3.3 Copy of the Statement of Work (SOW) or a copy of the technical description that will appear in the RFP. This may be included in any way that is easiest for the individual submitting the information. It may be included on the form itself in the “Item Title/Description” block, or as an attachment;

8.1.1.3.4 A copy of the approved Justification for Other Than Full and Open Competition.

8.1.1.4 The CS/CO will include the original DOE Form 4220.2, “Small Business Review”, (Attachment A) in the Official contract file along with all supporting documentation.

8.1.2 SBPM:

The SBPM will review the DOE Form 4220.2, “Small Business Review”, (Attachment A) within 3 business days and return to the CS/CO along with any comments/recommendations.

8.2 Subcontracting With Small Business

8.2.1 CS/CO:

8.2.1.1 The CS/CO will review all subcontracting plans prior to submitting them to the SBPM for advisory review. The CS/CO will provide the following to the SBPM:

8.2.1.1.1 Completed Subcontracting Plan Checklist (Attachment B, IP-540-08-F1, “Individual Subcontracting Checklist and Review”);

8.2.1.1.2 Original subcontracting plan (if available), and one (1) copy of the subcontracting plan;

8.2.1.1.3 If contract administration delegated, provide the Administrative Contracting Officer’s (ACO’s) comments/recommendations;

8.2.1.1.4 A copy of approved Master subcontracting plan (if applicable).

8.2.2 SBPM:

8.2.2.1 The SBPM will review all subcontracting plans utilizing the Individual Subcontracting Plan Checklist and Review (Attachment B, IP-540-08-F1) and return the Completed checklist, along with the original subcontracting plan (if provided), to the CS/CO along with any comments/recommendations.

8.2.2.2 The SBPM will retain one copy of the subcontracting plan and the checklist in the OOC’s files.

9.0 RECORDS MAINTENANCE

9.1 Records generated as a result of implementing this document are identified as follows:

9.1.1 DOE Form 4220.2, “Small Business Review”

9.1.2 IP-540-08-F1, “Individual Subcontracting Plan Checklist and Review”

10.0 FORMS USED

10.1 Forms used shall be the latest revision unless otherwise stated.

10.1.1 DOE Form 4220.2, “Small Business Review”, found on EMCBC Svcs, Forms

10.1.2 IP-540-08-F1, “Individual Subcontracting Plan Checklist and Review”

11.0 ATTACHMENTS

11.1 Attachment A – DOE Form 4220.2, “Small Business Review”

11.2 Attachment B - IP-540-08-F1, Individual Subcontracting Plan Checklist and Review

11.3 Attachment C – IP-251-01-F1, EMCBC Record of Revision

General Instructions: Completion of DOE F 4220.2 (May 16, 2006) is required for procurements with estimated values exceeding the simplified acquisition threshold (see FAR 2.101).

- Block No. 1 Provide the Procurement Request (PR) Authorization number.
- Block No. 2 Describe items/services to be acquired.
- Block No. 3 Enter the North American Industry Classification System (NAICS) code; the small business size standard in terms of annual receipts, employee number, etc.; and the estimated contract value including options. Refer to 13 CFR 121.402 and <http://www.sba.gov/size/sizetable2002.html> and <http://www.bls.gov/bls/naics.htm>.
- Block No. 4 Enter the lead program element responsible for the requirement.
- Block No. 5 Enter the name of the contracting office that will award the contract/order.
- Block No. 6 If requirement was previously procured, enter in Block No. 6a, the type of business that was awarded the contract/order and enter in Block No. 6b, how the business was solicited.
- Block No. 7 Enter the name, organizational code, and phone number of the PR Originator in Block No. 7a. Enter the name, organizational code, and phone number of the Contract Specialist in Block No. 7b.
- Block No. 8 If Small Business participation was considered, enter the percent of the work and corresponding estimated dollar value including options. Refer to FAR 6.203(a), 19.808-1, 19.501(a) through (d), 19.502-2, 19.502-3, 19.1305, and 19.1405. Note: The 8(a) Program also includes awards to Alaskan Native Corporations (ANCs) and Native American tribally-owned SB concerns (ref. FAR 26.101, and 13 CFR 124.506) and the Small Business Administration (SBA)'s Mentor-Protégé Program (ref. 13 CFR 124.520, and 13 CFR 124.513). SBA Joint Ventures with SB concerns are sanctioned pursuant to limitations of 13 CFR 121.103 and should be applied to proper preference activity.
- Block No. 9 If the solicitation method was recommended as sole source, attach the *Justification For Other Than Full And Open Competition* signed by the Program Manager and Contracting Officer (reference FAR 6.303-1, FAR 19.1306, and 19.1406).
- Block No.10 Pursuant to FAR 19.202-1, Small Businesses shall be afforded equitable opportunities to compete for all contracts they can perform consistent with the Government's interest. If Small Business set-aside is not feasible, place an "X" in the appropriate box(es) and attach a narrative supporting your selection(s). Refer to FAR 8.4 and 8.405-5(b) for placing task orders under Federal Supply Schedules (FSS).
- Block No. 11 If the Contracting Officer does not recommend that the procurement be reserved for small business concerns, then the Contracting Officer must "document why a small business set-aside is inappropriate..." (See FAR 19.501(e)).
- Block No. 12 The DOE Small Business Program Manager (SBPM) shall complete this block to ensure that the information in Block No. 3 is correct and to indicate concurrence or nonconcurrence with the Contracting Officer's recommendation. A narrative is required if SBPM does not concur.
- Block No. 13 The SBA's Procurement Center Representative (PCR) or SBA's District Office Small Business Specialist shall complete this block for all procurements valued greater than the simplified acquisition threshold. Pursuant to FAR 19.402, the SBA may assign PCRs to contracting activities to carry out SBA's policies and programs. If an SBA PCR or SBA District Small Business Specialist is not available in your area, contact the Office of Small and Disadvantaged Business Utilization (OSDBU) which will refer the matter to SBA (ref. FAR 19.401 (b)).
- Block No. 14 Completion of this block is required for procurements valued greater than \$3.0 million and have not been reserved exclusively for Small Business participation. Procurement packages for OSDBU review must include supporting procurement documentation consisting of the PR, DOE F 4220.2 (May 16, 2006) executed through Block No. 13, draft RFP, acquisition plan, and narratives from the Contracting Officer, Small Business Program Manager, Procurement Director, and the SBA PCR or SBA District Small Business Specialist.

Special Instructions:

- (1) One copy of a fully executed DOE F 4220.2 (May 16, 2006) must be included with the contract file.
- (2) Submit one copy of a fully executed DOE F 4220.2 (May 16, 2006) (of procurements reviewed by the OSDBU) to the OSDBU.

Individual Subcontracting Plan Checklist and Review

Contractor:

Solicitation/Contract Number:

Contractor Address:

Type of Services:

Buyer/PCO:

Estimated Contract Value:

Office Symbol & Phone:

If there is a current Master Subcontracting Plan in effect for this contractor, then items 4 through 11 do not apply.

Remember, when a Master Plan is put on contract it applies to the contract throughout its life — including modifications

Is this a commercial plan? Yes No (Far 19.704(d))

Use Y to denote that an item is OK. Use N to denote that it is not included, U for unacceptable. Use D to indicate Does Not Apply.

Does It Include:			PCO	SADBUS	SBA	Reference
1.	Total Subcontracting Dollars:	% Indicated by contractor	\$			FAR 52.219-9(d)(2), 19.704(a)(2), 19.705
	(Fill-in the goals listed in solicitation.) Total \$ to SB ()					FAR 52.219-9(d)(2), 19.704(a)(2), 19.705
	Total \$ to SDB ()					FAR 52.219-9(d)(2), 19.704(a)(2), 19.705
	Total \$ to WOSB ()					FAR 52.219-9(d)(2), 19.704(a)(2), 19.705
	Total \$ to Service Disabled VOSB ()					FAR 52.219-9(d)(2), 19.704(a)(2), 19.705
	Total \$ to Veteran OSB ()					FAR 52.219-9(d)(2), 19.704(a)(2), 19.705
	Total \$ to HUBZone SB ()					FAR 52.219-9(d)(2), 19.704(a)(2), 19.705
2	Goals listed as a Percentage of total subcontract value.					FAR 52.219-9(d)(1), 19.704(a)(1), 19.705
3	A DESCRIPTION of the principal supplies/services to be subcontracted (This must include Large Business and non-profit work) with sufficient detail to evaluate whether or not a SB can do the work.					FAR 52.219-9(d)(3), 19.704(a)(3), 19.705 MUST INCLUDE LB AND NON-PROFIT SUBCONTRACTS
4	A description of the method used to develop goals					FAR 52.219-9(d)(4), 19.704(a)(4), 19.705
5	A description of the methods used to locate potential suppliers					FAR 52.219-9(d)(5), 19.704(a)(5), 19.705
6	Do the goals include indirect costs?					FAR 52.219-9(d)(6), 19.704(a)(6), 19.705
	If they do, does the plan include a description of the cost allocation method?					FAR 52.219-9(d)(6), 19.704(a)(6), 19.705
7	Name and duties of plan administrator					FAR 52.219-9(d)(7), 19.704(a)(7), 19.705
8	Description of the efforts the offeror will make to assure that SBs have an equitable opportunity to compete for subcontracts					FAR 52.219-9(d)(8), 19.704(a)(8), 19.705
9	Flow Down assurances					FAR 52.219-9(d)(9), 19.704(a)(9), 19.705

Appropriate subcontract clauses will be used				FAR 52.219-9(d)(9), 19.704(a)(9), 19.705
Subcontractors will be required to submit a similar plan				FAR 52.2 19-9(d)(9), 19.704(a)(9), 19.705

Contractor:

Type of Review:

Does It Include:	PCO	SADBUS	SBA	Reference
10. Assurance prime contractor will submit required reports and cooperate in studies and surveys.				FAR 52.219-9(d)(10), 19.704(a)(10), 19.705
11. Recitation of types of records maintained to show compliance with plan				FAR 52.219-9(d)(11), 19.704(a)(11), 19.705
12. If the SDB goal for the basic contract is less than 5%, is approval at LEAST two levels above contracting officer attached?				DFARS 219.705-4
13. For modifications, if the contract's overall SDB goal is less than 5%, is the approval attached? (If it was below 5% before, and the reasons have not changed a new determination is not required)				DFARS 219.705-4
14. ACO Comments (If applicable)				FAR 19.706, DFARS 219.706(a)(i)

If the contractor is **not using** Dynamic Small Business Search the Buyer/PCO should recommend its use to enhance outreach. It is available at no cost to users. It can be accessed at <http://www.ccr.gov/> and click on the "Dynamic Small Business Search" button. All of the search options and information that existed in PRO-Net will now be found on the CCR site.

Buyer/PCO Comments:

Buyer/PCO Signature and Date:

Small Business Office Comments:

Small Business Officer Reviewer Signature and Date:

SBA Comments:

If box is checked, SBA does not have a copy of the current Master Subcontracting Plan on File. Please provide one.

SBA Signature and Date:

SBA PCR will internally report this subcontracting plan, as submitted, as acceptable, not acceptable, modified on _____ to acceptable before award

SBA PCR may contact the PCO/Buyer regarding status of the subcontracting plan at time of award.

Attachment C**EMCBC RECORD OF REVISION**

DOCUMENT - Small Business Program

If there are changes to the controlled document, the revision number increases by one. Indicate changes by one of the following:

- I Placing a vertical black line in the margin adjacent to sentence or paragraph that was revised.
- I Placing the words GENERAL REVISION at the beginning of the text.

Rev. No.	Description of Changes	Revision on Pages	Date
1	Original Issue	All	10/04/06
	Reviewed/No Revisions Required		05/18/12