

FEDERAL BUREAU OF PRISONS

SUBCONTRACTING PLAN

for

small, small disadvantaged, women-owned, HUBZone,
and service-disabled veteran-owned small businesses

The Federal Acquisition Regulation (FAR) Subpart 19.7, the Small Business Subcontracting Program, requires Other Than Small Business concerns, who are the apparent successful offerors, to submit an acceptable subcontracting plan that identifies the total planned dollars and percentage of the acquisition to be subcontracted to small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns. This subcontracting plan complies with Public Law 95-507, and the Department of Justice Procurement Guidance Document (PGD) 09-02 dated September 29, 2009.

The Bureau of Prisons (BOP) subcontracting goals are:

- 40%.....Small Business
- 5%.....Small Disadvantaged Business
- 5%.....Women-Owned Small Business
- 3%....HUBZone Small Business
- 3%.....Service-Disabled Veteran-Owned Small Business

(NOTE: The current BOP goals do not include subcontracting goals for Veteran-Owned Small Businesses (VOSB) however, offerors/contractors are encouraged to submit plans inclusive of VOSB, when applicable.)

If assistance is needed to locate small business sources, contact the Bureau of Prisons (BOP) Small Business Program, Procurement Policy and Resolution Section, at (202)307-0985.

Date Prepared: _____

Solicitation Number: _____

Incumbent: ☐ No ☐ Yes (Note: Affirmative answers subject to FAR Part 19.705 and FAR 15.3. In addition, if your proposed subcontracting goals for this contract are lower in any of the categories listed above than the goals of your incumbent contract, please provide a detailed explanation of changes.)

Offeror/Contractor Identification Data

Duns Number: _____

Corporate Name: _____

Address: _____

Place of Performance (City/State/County): _____

Item/Service (Use this space to provide a general description and 'Table A' for specific details):

Aggregate Contract Value: \$ _____

1. TYPE OF PLAN: (Check only one)

☐ **INDIVIDUAL CONTRACT PLAN:** This type of plan 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:** This plan contains all the required elements of an individual plan, except goals, and may be incorporated into individual contract plans, provided the master plan has been approved.

☐ **COMMERCIAL PLAN:** This type of plan (including goals) covers the offeror's fiscal year and applies to the entire production of commercial items sold by either the entire company or a portion of the company (e.g. division, plant or product line).

2. GOALS:

FAR 19.704 (a) (1) and (2) requires percentage goals and total dollars planned to be subcontracted to small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service-disabled veteran-owned small business concerns, as subcontractors for the base period and (if applicable) each option period.

- A. Based on the overall aggregate value of this acquisition, indicate the total estimated value of all planned subcontracting for each performance period. Value should be stated in both dollars and percentages and for small business and other than small business concerns:

Total estimated value: \$ _____ %

Note: The total estimated value of Section A includes Sections B, C, D, E, F and G (as applicable).

Total Small Business + Other Than Small Business = 100%

Base Performance Period \$ _____ % \$ _____ %

(Option Period or Award Term)

No. of years ☐ 1 ☐ 2 ☐ 3

<u>1st Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>2nd Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>3rd Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>4th Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>5th Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>6th Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>7th Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>8th Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>9th Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %
<u>10th Performance Period</u>	\$ _____	_____ %	\$ _____	_____ %

Note: If the performance period exceeds ten years, please attach additional sheets in the format indicated above.

- B.** Estimated value of planned subcontracting to **small business** concerns for each performance period, both in dollars and percentages is:

<u>Base Performance Period</u>	\$ _____	_____ %
<u>1st Performance Period</u>	\$ _____	_____ %
<u>2nd Performance Period</u>	\$ _____	_____ %
<u>3rd Performance Period</u>	\$ _____	_____ %
<u>4th Performance Period</u>	\$ _____	_____ %
<u>5th Performance Period</u>	\$ _____	_____ %
<u>6th Performance Period</u>	\$ _____	_____ %
<u>7th Performance Period</u>	\$ _____	_____ %
<u>8th Performance Period</u>	\$ _____	_____ %
<u>9th Performance Period</u>	\$ _____	_____ %
<u>10th Performance Period</u>	\$ _____	_____ %

Note: The sum of Section B includes Sections C, D, E, F and G (as applicable), may not equal 100%.

- C.** Estimated value of planned subcontracting to **small disadvantaged business** concerns for each performance period, both in dollars and percentages is:

<u>Base Performance Period</u>	\$ _____	_____ %
<u>1st Performance Period</u>	\$ _____	_____ %
<u>2nd Performance Period</u>	\$ _____	_____ %
<u>3rd Performance Period</u>	\$ _____	_____ %
<u>4th Performance Period</u>	\$ _____	_____ %
<u>5th Performance Period</u>	\$ _____	_____ %
<u>6th Performance Period</u>	\$ _____	_____ %

<u>7th Performance Period</u>	\$ _____	_____ %
<u>8th Performance Period</u>	\$ _____	_____ %
<u>9th Performance Period</u>	\$ _____	_____ %
<u>10th Performance Period</u>	\$ _____	_____ %

- D.** Estimated value of planned subcontracting to **women-owned small business** concerns for each performance period, both in dollars and percentages is:

<u>Base Performance Period</u>	\$ _____	_____ %
<u>1st Performance Period</u>	\$ _____	_____ %
<u>2nd Performance Period</u>	\$ _____	_____ %
<u>3rd Performance Period</u>	\$ _____	_____ %
<u>4th Performance Period</u>	\$ _____	_____ %
<u>5th Performance Period</u>	\$ _____	_____ %
<u>6th Performance Period</u>	\$ _____	_____ %
<u>7th Performance Period</u>	\$ _____	_____ %
<u>8th Performance Period</u>	\$ _____	_____ %
<u>9th Performance Period</u>	\$ _____	_____ %
<u>10th Performance Period</u>	\$ _____	_____ %

- E.** Estimated value of planned subcontracting to qualified **HUBZone small business** concerns for each performance period, both in dollars and percentages is:

<u>Base Performance Period</u>	\$ _____	_____ %
<u>1st Performance Period</u>	\$ _____	_____ %
<u>2nd Performance Period</u>	\$ _____	_____ %
<u>3rd Performance Period</u>	\$ _____	_____ %
<u>4th Performance Period</u>	\$ _____	_____ %
<u>5th Performance Period</u>	\$ _____	_____ %
<u>6th Performance Period</u>	\$ _____	_____ %
<u>7th Performance Period</u>	\$ _____	_____ %
<u>8th Performance Period</u>	\$ _____	_____ %
<u>9th Performance Period</u>	\$ _____	_____ %
<u>10th Performance Period</u>	\$ _____	_____ %

- F.** Estimated value of planned subcontracting to qualified **service-disabled veteran-owned small business** concerns for each performance period, both in dollars and percentages is:

<u>Base Performance Period</u>	\$ _____	_____ %
<u>1st Performance Period</u>	\$ _____	_____ %
<u>2nd Performance Period</u>	\$ _____	_____ %
<u>3rd Performance Period</u>	\$ _____	_____ %
<u>4th Performance Period</u>	\$ _____	_____ %
<u>5th Performance Period</u>	\$ _____	_____ %
<u>6th Performance Period</u>	\$ _____	_____ %
<u>7th Performance Period</u>	\$ _____	_____ %

<u>8th Performance Period</u>	\$ _____	_____ %
<u>9th Performance Period</u>	\$ _____	_____ %
<u>10th Performance Period</u>	\$ _____	_____ %

- G.** Estimated value of planned subcontracting to qualified **veteran-owned small business** concerns for each performance period, both in dollars and percentages is: **(Optional)**

<u>Base Performance Period</u>	\$ _____	_____ %
<u>1st Performance Period</u>	\$ _____	_____ %
<u>2nd Performance Period</u>	\$ _____	_____ %
<u>3rd Performance Period</u>	\$ _____	_____ %
<u>4th Performance Period</u>	\$ _____	_____ %
<u>5th Performance Period</u>	\$ _____	_____ %
<u>6th Performance Period</u>	\$ _____	_____ %
<u>7th Performance Period</u>	\$ _____	_____ %
<u>8th Performance Period</u>	\$ _____	_____ %
<u>9th Performance Period</u>	\$ _____	_____ %
<u>10th Performance Period</u>	\$ _____	_____ %

- H.** List the products and/or services to be subcontracted under this contract and the Contract Line Item Number (CLIN) in Table A (see page 6). Then indicate with a checkmark the type(s) of Business Size or Category supplying those products and/or services.

Table A
Business Size or Category

[illegible]

I. Explain the methods used to develop the subcontracting goals. Explain how the product and service CLINS to be subcontracted were established; how the areas to be subcontracted were determined; and how the capabilities were determined for small, small disadvantaged, women-owned, HUBZone, service-disabled veteran-owned small business concerns and veteran-owned small business (optional).

J. Indirect and overhead costs ☐ HAVE BEEN ☐ HAVE NOT BEEN included in the dollar and percentage subcontracting goals stated above. (Check one)

K. If indirect and overhead costs HAVE BEEN included, explain the method used to determine the proportionate share of such costs to be allocated as subcontracts to small, small disadvantaged, women-owned, HUBZone, veteran-owned, service-disabled veteran-owned small business concerns and veteran-owned small business (optional).

3. PROGRAM ADMINISTRATOR:

FAR 19.704 (a) (7) 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 a description of the duties of that employee.

Name: _____

Title: _____

Address: _____

Telephone: _____

Position: _____

Duties:

Attach a copy of individuals job description and/or specific duties related to the company's subcontracting program. Individual job description and/or specific duties to include:

- 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, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business concerns.
- B. Developing and maintaining a bidders list of small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service -disabled veteran-owned small business concerns from all possible sources.
- C. Ensuring periodic rotation of potential subcontractors on bidders lists.
- D. Ensuring that small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business concerns are included on the bidders list for every subcontract solicitation for products and services they are capable of providing.
- E. Ensuring that subcontract procurement "packages" are designed to permit the maximum possible participation of small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business concerns.
- F. Reviewing subcontract solicitations to remove statements, clauses, etc., which might tend to restrict or prohibit small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business participation.
- G. Ensuring that the subcontract bid proposal review board documents its reasons for not selecting any low bids submitted by small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business concerns.
- H. Overseeing the establishment and maintenance of contract and subcontract award records.

- I. Attending or arranging for the attendance of company counselors at Business Opportunity Workshops, Minority Business Enterprise Seminars, Trade Fairs, etc.
- J. Directly or indirectly counseling small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business concerns on subcontracting opportunities and how to prepare responsive bids to the company.
- K. Providing notice to subcontractors concerning penalties for misrepresentations of business status as small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business concerns 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.
- L. Conducting or arranging training for purchasing personnel regarding the intent and impact of Public Law 95-507 on purchasing procedures.
- M. Developing and maintaining an incentive program for buyers which supports the subcontracting program.
- N. Monitoring the company's performance and making any adjustments necessary to achieve the subcontract plan goals.
- O. Preparing and submitting timely reports in accordance with FAR 52.219-9.
- P. Coordinating the company's activities during compliance reviews by Federal agencies.

4. EQUITABLE OPPORTUNITY

FAR 19.704 (a) (8) requires a description of the efforts your company will make to ensure that small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled and veteran-owned small business concerns will have an equitable opportunity to compete for subcontracts. The following efforts must be considered:

A. Outreach efforts to obtain sources:

- Contacting minority and small business trade associations;
- Contacting business development organizations;
- Attending small and minority business procurement conferences and trade fairs; and
- Requesting sources from the Central Contractor Registration - *Dynamic Small Business Search*.

B. Internal efforts to guide and encourage purchasing personnel:

- Presenting workshops, seminars and training programs;
- Establishing, maintaining and using small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business source lists, guides and other data for soliciting subcontracts; and
- Monitoring activities to evaluate compliance with the subcontracting plan.

C. Additional efforts: (Please describe)

5. CLAUSE INCLUSION AND FLOW DOWN

FAR 19.704 (a) (9) requires that your company include FAR 52.219-8, “Utilization of Small Business Concerns” in all subcontracts that offer further subcontracting opportunities. Your company must require all subcontractors, except small business concerns, that receive subcontracts in excess of \$650,000 (\$1,500,000 for construction) to adopt and comply with a plan similar to the plan required by FAR 52.219-9, “Small 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, women-owned, HUBZone, veteran-owned, and service-disabled veteran-owned small business concerns must be determined on a case-by-case basis depending on the supplies and services involved; the availability of potential small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-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, Individual Subcontract Report (ISR) and Summary Subcontract Report (SSR) entered into the Electronic Subcontracting Reporting System (eSRS) website at www.esrs.gov.

6. REPORTING AND COOPERATION

FAR 19.704 (a) (10) requires that your company (1) cooperate in any studies or surveys as may be required, and (2) submit periodic reports which show compliance with the subcontracting plan. This reporting is defined in the memo dated December 1, 2005, from the BOP Procurement Executive:

<http://www.esrs.gov> “eSRS requires contractors to electronically submit their Subcontract Reports for Individual Contracts (formerly the SF-294) and the Summary Subcontract Reports (formerly the SF-295) information directly to the government-wide database.” Below are the required dates for reporting this information to the government-wide database, <http://www.esrs.gov/>.

Individual Subcontract Reports (ISR) shall be submitted semi-annually, 30 days after the close of each reporting period (March 31 and September 30, respectively).

Summary Subcontract Report (SSR) shall be submitted annually, 30 days after the close of the fiscal year (September 30), or contract completion.

7. RECORD KEEPING

FAR 19.704 (a) (11) requires a description 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. The company agrees to maintain the following type of records:

- A. Small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled and veteran-owned small business concerns source lists, guides, and other data identifying such vendors;
- B. Organizations contacted for small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled and veteran-owned small business sources;
- C. On a contract-by-contract basis, records on all subcontract solicitations resulting in awards of \$150,000 or more indicating for each solicitation (1) whether small business concerns were solicited, and if not, why; (2) whether small disadvantaged business concerns were solicited, and if not, why; (3) whether women-owned small business concerns were solicited, and if not, why; (4) whether HUBZone small business concerns were solicited, and if not, why; (5) whether veteran-owned small business concerns (optional) were solicited, and if not, why; (6) whether service-disabled veteran-owned small business concerns were solicited, and if not, why; and (7) if applicable, the reason award was not made to a small business concern.
- D. Records to support other outreach efforts, e.g., contacts with minority and small business trade associations, attendance at small and minority business procurement conferences and trade fairs;
- E. Records to support internal activities to (1) guide and encourage purchasing personnel, e.g., workshops, seminars, training programs, incentive awards, and (2) monitor activities to evaluate compliance;
- F. On a contract-by-contract basis, records to support subcontract award data including the name, address, business size, and ownership status of each subcontractor. (Not required for commercial item/service subcontracting plans); and
- G. Other records to support your compliance with the subcontracting plan: (Please describe)

8. TIMELY PAYMENTS TO SUBCONTRACTORS

FAR 19.702 requires companies to establish and use procedures to ensure the timely payment of amounts due pursuant to the terms of their subcontracts with small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-owned small business concerns. The company agrees to establish and use such procedures.

9. CONTRACTOR PERFORMANCE INFORMATION

FAR 42.15 requires agencies to evaluate a contractor's past performance. Evaluations include an assessment of contractor's performance against, and efforts to achieve, the goals identified in the small business subcontracting plan when the contract:

- Exceeds the simplified acquisitions threshold;
- Exceeds the simplified acquisitions threshold placed against a Federal Supply Schedule Contract, or under a task order contract or a delivery order contract awarded by another agency (Government-wide acquisition contract or multi-agency contract);
- Includes the clause at 52.219-9, Small Business Subcontracting Plan.

Effective October 1, 2010, all contracts that meet the requirements of FAR 42.15 (excluding FAR 8.7) and have an approved subcontracting plan, must report the results of the ISR and SSR assessment as part of a contractor's past performance evaluation using the government-wide Past Performance Information Retrieval System (PPIRS) at www.ppirs.gov. Reporting of construction and architect and engineering services will be reported during the interim performance period, at the end of each annual performance period and after final performance. All other contracts will be reported at the end of each annual performance period.

Information regarding compliance with previous subcontracting plans will be considered in accordance with FAR 15.3 and FAR 19.705.

10. DESCRIPTION OF GOOD FAITH EFFORT

The maximum practicable utilization of small, small disadvantaged, women-owned, HUBZone, veteran-owned (optional), and service-disabled veteran-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, women-owned, HUBZone, veteran-owned small business (optional) and service-disabled veteran-owned small business subcontracting goals, attach additional documentation outlining the steps your company plans to take. These steps will be negotiated with the Contracting Officer prior to approval of the plan.

11. SIGNATURES AND DISTRIBUTION REQUIREMENTS

This subcontracting plan **SUBMITTED** by:

Contractor's
Signature: _____

Typed Name: _____

Title: _____

Date: _____

=====

This subcontracting plan **REVIEWED AND APPROVED** by:

Signature: _____

Typed Name: _____

Title: **BOP Small Business Representative**

Date: _____

=====

This subcontracting plan **ACCEPTED** by:

Signature: _____

Typed Name: _____

Title: **Contracting Officer**

Date: _____

=====

This subcontracting plan **ADMINISTERED** by:

Typed Name: _____

Title: **Contracting Officer**

email address: _____

Prime Contract Number: _____