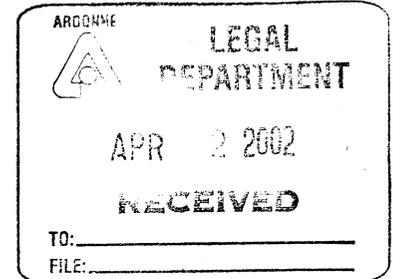




Department of Energy

Argonne Area Office
9800 South Cass Avenue
Argonne, Illinois 60439

APR - 1 2002



Mr. Robert J. Zimmer
Vice President for Research and Argonne National Laboratory
The University of Chicago
5801 South Ellis Avenue
Chicago, Illinois 60637

Dear Mr. Zimmer:

SUBJECT: CONTRACT NO. W-31-109-ENG-38 FOR OPERATION OF ARGONNE NATIONAL LABORATORY; MODIFICATION M380

Enclosed for your records is a fully executed copy of the subject contract document.

If you have questions, or are in need of additional information, I can be contacted at (630) 252-2127.

Sincerely,

Rory S. Simpson
Contracting Officer

Enclosure:
As Stated

cc: H. A. Grunder, Laboratory Director, ANL, w/encl.
M. Bartos, Chief Financial Officer, ANL, w/encl. (14 cys)
M. Derbidge, Chief Operations Officer, ANL, w/encl.
R. Carder, University of Chicago Assistant Vice President
for Program Development, w/encl.
D. Yergovich, University of Chicago, w/encl.
M. Sheridan, University of Chicago, w/encl.
D. M. Randel, President, University of Chicago, w/encl.
W. J. Hogan, Jr., Comptroller, University of Chicago, w/encl.
Y. Chang, Idaho, ANL-W, ATTN: Sharron Janning, w/encl.
M. Jones, ANL-LEG, w/encl.
B. Hartline, Deputy Lab Director, ANL, w/encl.
D. Schmitt, ANL, w/encl.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT

1. CONTRACT ID CODE

PAGE OF PAGES

1 | 1

2. AMENDMENT/MODIFICATION NO.

M380

3. EFFECTIVE DATE

01/01/2002

4. REQUISITION/PURCHASE REQ. NO.

02-01CHENG38.014

5. PROJECT NO. (If applicable)

N/A

6. ISSUED BY

CODE

U.S. Department of Energy
Chicago Operations Office/AAO
9800 South Cass Avenue
Argonne, IL 60439

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)

The University of Chicago
5801 S. Ellis Avenue
Chicago, IL 60637

(✓)

9.A. AMENDMENT OF SOLICITATION NO.

9.B. DATED (SEE ITEM 11)

10.A. MODIFICATION OF Contract/Order NO.

W-31-109-ENG-38

10.B. DATED (SEE ITEM 13)

October 1, 1999

CODE N/A

FACILITY CODE N/A

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.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).

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 5 copies to the issuing office.

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

See pages attached to this Modification.

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

Robert J. Zimmer, Vice President for
Research and Argonne National Laboratory

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

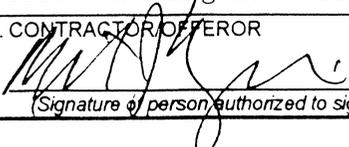
RORY S. SIMPSON
CONTRACTING OFFICER, AAO
U.S. DEPARTMENT OF ENERGY

15B. CONTRACTOR/OFFEROR

15C. DATE SIGNED

16B. UNITED STATES OF AMERICA

16C. DATE SIGNED

BY: 
(Signature of person authorized to sign)

3/28/02

BY: 
(Signature of Contracting Officer)

03/28/02

14. Description of Amendment/Modification:

1. PART I, SECTION H, SPECIAL CONTRACT REQUIREMENTS TABLE OF CONTENTS, dated January 1, 2002 (attached) is substituted for the previous PART 1, SECTION H, SPECIAL CONTRACT REQUIREMENTS TABLE OF CONTENTS incorporated by Modification No. M353.
2. Effective with this Modification No. M380, Clause No. H.43 is added to the contract as follows:

"CLAUSE H.43 - TRAVEL RESTRICTIONS

- (a) For contractor travel expenses incurred on or after October 1, 2000, a ceiling limitation of \$6,739,000.00 shall apply to all reimbursements made for contractor travel expenses funded by the Energy and Water Development Appropriations Act under this contract, except as provided in paragraph (b) below. Expended funds which exceed the established ceiling in this paragraph will be unallowable unless otherwise authorized by the contracting officer.
- (b) All contractor travel costs associated with the Spallation Neutron Source are charged only against the travel ceiling assigned to the Oak Ridge National Laboratory (ORNL) and not to the contractor (except for ORNL) who actually employs the traveler.
- (c) Some travel costs are exempt from the ceiling, examples are:
 - (i) Travel performed under work for others agreements;
 - (ii) Travel of subcontractors;
 - (iii) Travel of non-DOE users to participate in experiments at DOE user facilities;
 - (iv) Travel costs of travel management centers;
 - (v) Travel costs funded by other appropriations;
 - (vi) Relocation costs;
 - (vii) Costs of workshops/seminars (other than travel costs), such as, rental of meeting rooms, public address equipment, speakers' fees;
 - (viii) Registration costs of training classes;
 - (ix) Travel expenses within the Laboratory Directed Research and Development program, and;
 - (x) Travel associated with recruitment.
- (d) Notwithstanding any other provisions of the contract or the source of funding, the contractor further agrees that none of the funds obligated under

the contract may be used to reimburse employee travel costs incurred on or after October 1, 2000 and before October 1, 2001 which exceed the rates and amounts that apply to federal employees under subchapter I of Chapter 57 of Title 5, United States Code. Costs which exceed these rates and amounts will be unallowable. This restriction is in addition to those prescribed elsewhere in statute or regulation.

- (e) Costs incurred for lodging, meals, and incidental expenses are considered reasonable and allowable to the extent that they do not exceed the maximum per diem rates in effect at the time of travel as set forth in:
 - (i) Federal Travel Regulations (FTR) for travel within the 48 states;
 - (ii) Joint Travel Regulations (JTR) for travel in Alaska, Hawaii, the Commonwealth of Puerto Rico, and territories and possessions of the United States; or
 - (iii) Standardized Regulations (SR) for travel allowances in foreign areas.
- (f) Subparagraph (d) does not incorporate the regulations cited above in their entirety. Only the coverages in the referenced regulations addressing the maximum per diem rates, the definitions of lodging, meals, and incidental expenses, and special or unusual situations are applicable to contractor travel.

Airfare costs in excess of the lowest customary standard, coach, or equivalent airfare offered during normal business hours are unallowable except when such accommodations require circuitous routing, require travel during unreasonable hours, excessively prolong travel, result in increased cost that would offset transportation savings, are not reasonably adequate for the physical or medical needs of the traveler, or are not reasonably available to meet mission requirements. However, in order for airfare costs in excess of the above standard airfare to be allowable, the applicable condition(s) set forth above must be documented and justified.”

- 3. Effective with this Modification No. M380, Clause No. H.44 is added to the contract as follows:

“CLAUSE H.44 - LOBBYING RESTRICTION (ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001)”

The contractor agrees that none of the funds obligated on this award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation.”

4. Effective with this Modification No. M380, Clause No. H.45 is added to the contract as follows:

"CLAUSE H.45 - LOBBYING RESTRICTION (DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001)

The contractor agrees that none of the funds obligated on this award shall be made available for any activity of the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete. This restriction is in addition to those prescribed elsewhere in statute and regulation."

5. PART II, SECTION I, CONTRACT CLAUSES TABLE OF CONTENTS dated January 1, 2002 (attached) is substituted for the previous PART II, SECTION I, CONTRACT CLAUSES TABLE OF CONTENTS incorporated by Modification No. M345.
6. Effective with this Modification No. M380, Clause No. I.97 - DEAR 970.5204-42 KEY PERSONNEL (APR 1984) (DEVIATION) is deleted and replaced by Clause No. I.119 which is added to the contract as follows:

"CLAUSE I.119 – DEAR 952.215-70 KEY PERSONNEL (DEC 2000)

- (a) The personnel listed below or elsewhere in this contract [Part III, Section J, Appendix F] are considered essential to the work being performed under this contract. Before removing, replacing, or diverting any of the listed or specified personnel, the Contractor must:
- (1) Notify the Contracting Officer reasonably in advance;
 - (2) submit justification (including proposed substitutions) in sufficient detail to permit evaluation of the impact on this contract; and
 - (3) obtain the Contracting Officer's written approval.

Notwithstanding the foregoing, if the Contractor deems immediate removal or suspension of any member of its management team is necessary to fulfill its obligation to maintain satisfactory standards of employee competency, conduct, and integrity under the clause at 48 CFR 970.5203-3, Contractor's Organization, the Contractor may remove or suspend such person at once, although the Contractor must notify Contracting Officer prior to or concurrently with such action.

- (b) The list of personnel may, with the consent of the contracting parties, be amended from time to time during the course of the contract to add or delete personnel.”

7. A new Clause I.120 is added to the contract as follows:

“CLAUSE I. 120 – DEAR 952.204-75 PUBLIC AFFAIRS (DEC 2000)”

- (a) The Contractor must cooperate with the Department in releasing unclassified information to the public and news media regarding DOE policies, programs, and activities relating to its effort under the contract. The responsibilities under this clause must be accomplished through coordination with the Contracting Officer and appropriate DOE public affairs personnel in accordance with procedures defined by the Contracting Officer.
- (b) The Contractor is responsible for the development, planning, and coordination of proactive approaches for the timely dissemination of unclassified information regarding DOE activities onsite and offsite, including, but not limited to, operations and programs. Proactive public affairs programs may utilize a variety of communication media, including public workshops, meetings or hearings, open houses, newsletters, press releases, conferences, audio/visual presentations, speeches, forums, tours, and other appropriate stakeholder interactions.
- (c) The Contractor’s internal procedures must ensure that all releases of information to the public and news media are coordinated through, and approved by, a management official at an appropriate level within the Contractor's organization.
- (d) The Contractor must comply with established DOE procedures for obtaining advance clearances on oral, written, and audio/visual informational material prepared for public dissemination or use.
- (e) Unless prohibited by law, and in accordance with procedures defined by the Contracting Officer, the Contractor must notify the Contracting Officer and appropriate DOE public affairs personnel of communications or contacts with Members of Congress relating to the effort performed under the contract.
- (f) In accordance with procedures defined by the Contracting Officer, the Contractor must notify the Contracting Officer and appropriate DOE public affairs personnel of activities or situations that may attract regional or

national news media attention and of non-routine inquiries from national news media relating to the effort performed under the contract.

- (g) In releases of information to the public and news media, the Contractor must fully and accurately identify the Contractor's relationship to the Department and fully and accurately credit the Department for its role in funding programs and projects resulting in scientific, technical, and other achievements."

8. A new Clause I.121 is added to the contract as follows:

"CLAUSE I. 121 – DEAR 970.5203-2 PERFORMANCE IMPROVEMENT AND COLLABORATION (DEC 2000)

- (a) The contractor agrees that it shall affirmatively identify, evaluate, and institute practices, where appropriate, that will improve performance in the areas of environmental and health, safety, scientific and technical, security, business and administrative, and any other areas of performance in the management and operation of the contract. This may entail the alteration of existing practices or the institution of new procedures to more effectively or efficiently perform any aspect of contract performance or reduce overall cost of operation under the contract. Such improvements may result from changes in organization, simplification of systems while retaining necessary controls, or any other approaches consistent with the statement of work and performance measures of this contract.
- (b) The contractor agrees to work collaboratively with the Department, all other management and operating, DOE major facilities management contractors and affiliated contractors which manage or operate DOE sites or facilities for the following purposes: (i) to exchange information generally, (ii) to evaluate concepts that may be of benefit in resolving common issues, in confronting common problems, or in reducing costs of operations, and (iii) to otherwise identify and implement DOE-complex-wide management improvements discussed in paragraph (a). In doing so, it shall also affirmatively provide information relating to its management improvements to such contractors, including lessons learned, subject to security considerations and the protection of data proprietary to third parties.
- (c) The contractor may consult with the contracting officer in those instances in which improvements being considered pursuant to paragraph (a) involve the cooperation of the DOE. The contractor may request the assistance of the contracting officer in the communication of the success of improvements to other management and operating contractors in accordance with paragraph (b) of this clause.

- (d) The contractor shall notify the contracting officer and seek approval where necessary to fulfill its obligations under the contract. Compliance with this clause in no way alters the obligations of the Contractor under any other provision of this contract.

9. A new Clause I.122 is added to the contract as follows:

"CLAUSE I. 122 - DEAR 970.5226-3 COMMUNITY COMMITMENT (DEC 2000)

It is the policy of the DOE to be a constructive partner in the geographic region in which DOE conducts its business. The basic elements of this policy include: (1) recognizing the diverse interests of the region and its stakeholders, (2) engaging regional stakeholders in issues and concerns of mutual interest, and (3) recognizing that giving back to the community is a worthwhile business practice. Accordingly, the Contractor agrees that its business operations and performance under the Contract will be consistent with the intent of the policy and elements set forth above."

10. A new Clause I.123 is added to the contract as follows:

"CLAUSE I. 123 – DEAR 970.5235-1 – FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER SPONSORING AGREEMENT (DEC 2000)

- (a) Pursuant to 48 CFR 35.017-1, this contract constitutes the sponsoring agreement between the Department of Energy and the contractor, which establishes the relationship for the operation of a Department of Energy sponsored Federally Funded Research and Development Center (FFRDC).
- (b) In the operation of this FFRDC, the contractor may be provided access beyond that which is common to the normal contractual relationship, to Government and supplier data, including sensitive and proprietary data, and to Government employees and facilities needed to discharge its responsibilities efficiently and effectively. Because of this special relationship, it is essential that the FFRDC be operated in the public interest with objectivity and independence, be free from organizational conflicts of interest, and have full disclosure of its affairs to the Department of Energy.
- (c) Unless otherwise provided by the contract, the contractor may accept work from a nonsponsor (as defined in 48 CFR 35.017) in accordance with the requirements and limitations of DOE Order 481.1, Work for Others (Non-Department of Energy Funded Work) (see current version).

January 1, 2002
Modification No. M380
Contract No. W-31-109-ENG-38

(d) As an FFRDC, the contractor shall not use its privileged information or access to government facilities to compete with the private sector. Specific guidance on restricted activities is contained in DOE Order 481.1.”

11. Appendix H, FY-2002 Small Business Subcontracting Plan (attached) is hereby incorporated into this contract and shall be applicable to the period from October 1, 2001 through September 30, 2002.

END OF MODIFICATION

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PART III

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January 1, 2002
Modification No. M380
Contact No. W-31-109-ENG-38
Section J

Appendix H

FY 2002 - Small Business Subcontracting Plan

FY '02 SMALL BUSINESS SUBCONTRACTING PLAN

CONTRACTOR: THE UNIVERSITY OF CHICAGO
(OPERATOR OF ARGONNE NATIONAL LABORATORY)

ADDRESS: 9700 SOUTH CASS AVENUE
ARGONNE, ILLINOIS 60439-4873

CONTRACT NUMBER: W-31-109-ENG-38

ITEM/SERVICE: OPERATION OF MULTI-PURPOSE NATIONAL LABORATORY

TOTAL AMOUNT OF CONTRACT
(INCLUDING OPTIONS)

PERIOD OF CONTRACT PERFORMANCE 10/01/01 - 9/30/02
(DAY, MONTH, AND YEAR)

1. TYPE OF PLAN (please check one)

- Individual Contract Plan - Individual Contract Plan, as used in this subpart, means 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, as used in this subpart, means a subcontracting plan that contains all of the required elements of the individual plans, except goals, and may be incorporated into individual contract plans, provided the master plan has been approved.
- Commercial Products Plan - Commercial Plan, as used in this subpart, means a subcontracting plan 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

State separate dollar and percentage goals for Small, Small Disadvantaged, Women-Owned Small Business, HUBZone Small Business, Veteran-Owned Small Business, and Service Disabled Veteran-Owned Small Business concerns, as subcontractors.

- a. Total estimated dollar value of all planned subcontracting, i.e., with all types of concerns eligible for Small Business subcontracting under this contract is *\$105 million*.
- b. Total estimated dollar value and percent of planned subcontracting with small business concerns (includes Small Disadvantaged Businesses, Women-Owned Small Businesses, HUBZone Small Businesses, Veteran-Owned Small Business concerns, and Service Disabled Veteran-Owned Small Business concerns): (% of "a")
\$50,400,000 and 48%
- c. Total estimated dollar value and percent of planned subcontracting with PRO-Net certified Small Disadvantaged Businesses: (% of "a") *\$5,250,000 and 5%*
- d. Total estimated dollar value and percent of planned subcontracting with Women-Owned Small Businesses: (% of "a") *\$5,250,000 and 5%*
- e. Total estimated dollar value and percent of planned subcontracting with HUBZone Small Businesses: (% of "a") *\$2,625,000 and 2.5%*

NOTE: This goal is predicated on SBA identifying viable HUBZone Small Business firms that are certified and located on PRO-Net.

- f. Total estimated dollar value and percent of planned subcontracting with Veteran-Owned Small Business: (% of "a") *\$3,150,000 and 3%*

NOTE: This goal is predicated on identifying an adequate number of viable Veteran-Owned Small Business concerns.

- g. Total estimated dollar value and percent of planned subcontracting with Service Disabled Veteran-Owned Small Business: (% of "a") *\$3,150,000 and 3%*

NOTE: This goal is predicated on identifying an adequate number of viable Service Disabled Veteran-Owned Small Business concerns.

- h. Total estimated dollar value and percent of planned subcontracting with LARGE BUSINESS: (% of "a") *\$54,600,000 and 52%*

Provide a description of all the products and/or services to be subcontracted under this contract, and indicate the types of businesses supplying them, [i.e., SMALL BUSINESS (SB), SMALL DISADVANTAGED BUSINESS (SDB), WOMEN-OWNED SMALL BUSINESS (WOSB), LARGE BUSINESS (LARGE), HUBZONE SMALL BUSINESS (HUBZ), VETERAN-OWNED SMALL BUSINESS (VOSB), and SERVICE DISABLED VETERAN-OWNED SMALL BUSINESS (SDV).

(Check all that apply)

<i>Subcontracted Product/Service</i>	<i>SB</i>	<i>SDB</i>	<i>WOSB</i>	<i>HUBZ</i>	<i>VOSB*</i>	<i>SDV*</i>	<i>LARG#</i>
ADP Maintenance	x	x	x	x			x
ADP Supplies	x	x	x	x			x
ADP Supplies (AMOS)	x	--	--				--
A-E Services	x	x	x				x
Automotive Equipment	x	--	x				--
Chemicals	x	x	x				--
Clothing	x	x	x				--
Clothing (Uniforms-AMOS)	x	--	--				--
Compression Fittings	x	x	x				--
Compression Fittings (AMOS)	x	--	--				--
Construction Contracting	x	x	x				x
Equipment	x	x	x				x
Furniture and Fixtures	x	x	x				x
Fabrications	x	x	x				x
Fire & Safety Equipment	x	x	x				--
Fuel Oil	x	x	x				--
Hardware and Small Tools	x	x	x	x			--
Hardware & Small Tools (AMOS)	x	--	--				--
Janitorial Supplies	x	x	x	x			--
Janitorial Supplies (AMOS)	--	x	--				--
Janitorial Chemicals (AMOS)	x	--	--				--
Laboratory Supplies	x	x	x				--
Laundry	x	x	x				--
Lubricants	x	x	x				--
Lumber & Building Materials	x	--	--				--
Lumber & Building Materials (AMOS)	x	--	--				--
Machine Tools	x	x	x				--
Material Handling Equipment	x	x	x				x
Material Handling Supplies	x	x	x				x
Material Handling Supplies (AMOS)	x	--	--				--
Office Supplies	x	x	x	x			--
Paints & Supplies	x	x	x				--
Photographic Supplies (AMOS)	x	--	--	x			--
Pipes & Fittings	x	x	x				--
Pipes & Fittings (AMOS)	x	--	--				--
Plumbing & Heating Supplies	x	x	x				--
Prototype Fabrication (Hardware)	x	x	x				--
Research and Development Support	x	x	x				x
Support Services	x	x	x				x

*NOTE: Veteran-Owned and Service Disabled Veteran-Owned Small Business opportunities are predicated on identifying an adequate number of viable Veteran-Owned and Service Disabled Veteran-Owned Small Business concerns.

Awards greater than \$2,500 and less than \$100,000 to large business will include documentation, which supports the decision to award to other than small business. Preference will be given to small business awards for purchases of between \$2,500 and \$100,000 awarded through small purchase/simplified acquisition procedures, where there is a reasonable expectation that bids, competitive as to price, quality, and delivery will be obtained from two or more responsive small business concerns.

See paragraph 7.C. for documentation of awards to large business with a value of \$100,000 or more.

To further facilitate the Laboratory's Small Business Program, the Laboratory will, with the further documentation to the file, and based upon its unilateral decision, utilize the option of making awards without competition: (1) under \$50,000 to small, women-owned small and small disadvantaged business concerns; (2) for purchases valued at: (a) \$5 million or less for manufacturing standard classifications and \$3 million or less for all other acquisitions to registered Small Business Administration 8(a) Pilot Program firms; or (b) \$5 million or less for HUBZone small businesses within North American Industry Classification System (NAIC) codes for manufacturing and \$3 million or less for HUBZone small businesses within any other NAIC codes.

"HUBZone" firms will be evaluated in accordance with this plan and existing procurement practices.

h. The following method was used in developing subcontract goals:

- 1) Small business goals were based on prior year's experience, perceived changes in the type of acquisitions to be completed, known increases and decreases in various program areas as reported by the various Laboratory divisions, projected construction projects, the DOE Acquisition Letter 2000-02 policy change that authorized purchases valued up to \$50,000 on a sole source basis to small business, the impact of Automated Material Order System (AMOS) in filling the needs of the Laboratory, consideration of certified HUBZone small business concerns, and the projected volume of acquisitions.
- 2) Certified Small Disadvantaged Business (SDB) subcontracting activity was measured in terms of past annual dollar expenditures, percent of annual dollar purchases from SDB concerns, total number of SDB vendors doing business or desiring to do business with ANL, impact of AMOS contracts, use of FSS contracts, and a self-perception of the potential success of our SDBC program.
- 3) In similar manner the women-owned small business goal was determined based on last year's experience and our desire to meet the goal of 5% established by the government.

- 4) HUBZone goals are contingent upon availability of viable certified concerns located primarily in the Chicago metropolitan area but considering others in the United States as well.
- 5) Veteran-Owned and Service disabled veteran-owned small business opportunities are predicated on identifying an adequate number of viable Veteran-Owned Service Disabled Veteran-Owned Small Business concerns.
 - i. Indirect costs have been _____ / have not been X included in the dollar amount percentage subcontracting goals stated above. (Please check one.)

3. **PROGRAM ADMINISTRATOR**

Name, title, and position within the Laboratory structure, and the duties and responsibilities of the employee who will manage the contractor's subcontracting program.

NAME: DENNIS E. BUGIELSKI
TITLE: *MANAGER, ANL PROCUREMENT*
ADDRESS: 9700 SOUTH CASS AVENUE
ARGONNE, IL 60439-4873
TELEPHONE: (630)-252-7028

Name, title, and position within the Laboratory structure, and the duties and responsibilities of the employee who will manage the contractor's subcontracting program.

NAME: DIANA THOMPSON
TITLE: *SMALL BUSINESS LIAISON OFFICER*
ADDRESS: 9700 SOUTH CASS AVENUE
ARGONNE, IL 60439-4873
TELEPHONE: (630)-252-6920

Duties: Has general overall responsibility for the contractor's subcontracting program, i.e., developing, preparing, and executing subcontractor 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 Laboratory-wide policy initiatives that demonstrate Laboratory's support for awarding contracts and subcontracts to small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small business and assure that small business, small disadvantaged business, women-owned small business, HUBZone small business concerns and service disabled veteran-owned small businesses are included on the services they are capable of providing;
- b. Ensuring periodic rotation of potential subcontractors;
- c. Ensuring that procurement "packages" are designed to permit the maximum possible participation of small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small businesses within Laboratory policies and procedures;
- d. Facilitating the utilization of various sources for the identification of small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small businesses such as the SBA's Procurement Marketing and Access Network, "PRO-Net", the National Minority Purchasing Council Vendor Information Service, the Office of Minority Business Development Center in the Department of Commerce, National Association of Women Business Owners Vendor Information Service, and the facilities of local small business, minority and women associations, and contact with federal agencies' small business program managers;
- e. Overseeing the establishment and maintenance of contract and subcontract award records;
- f. Attending or arranging for the attendance of Laboratory personnel at Small Business Opportunity Workshops, Minority and Women Business Enterprise Seminars, Trade Fairs, Procurement Conferences, etc.;
- g. Ensuring small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small businesses are made aware of subcontracting opportunities as well as how to prepare responsive bids to the Laboratory;
- h. Conducting and arranging of training for Purchasing personnel regarding the intent and impact of Public Law 95-507 on purchasing procedures;
- i. Monitoring the Laboratory's performance and making any adjustments necessary to achieve the subcontract plan goals;
- j. Preparing and submitting required subcontract reports on a timely basis;

- k. Coordinating the Laboratory's activities during the conduct of compliance reviews federal agencies;
- l. Reviewing solicitation formats to remove statements, clauses, etc., which may tend to restrict or prohibit small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small business concerns participation where possible;
- m. Ensuring that the reasons for not selecting low bids submitted by small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small businesses are documented;
- n. Ensuring the establishment and maintenance of records of solicitations and subcontract award activity;
- o. Ensuring that historically Black colleges and universities and minority institutions shall be afforded maximum practicable opportunity;
- p. Assisting program managers as early as possible in the development cycle of major system acquisitions and system programs as pertains to the Small Business program; and
- q. Advising potential suppliers as to how they can obtain information about business opportunities at ANL and briefing the Procurement Manager and the Chief Financial Officer at least twice yearly concerning the status of small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small business utilization in relation to goals and objectives established.

4. EQUITABLE OPPORTUNITY

The contractor agrees to ensure that small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned Small business concerns, and service disabled veteran-owned small businesses will have an equitable opportunity to compete for subcontracts. These efforts include, but are not limited to, the following activities:

- a. Outreach efforts to obtain sources
 - 1) Contacting small, small disadvantaged (minority) and women-owned small business, HUBZone small business, veteran-owned small business concerns, and service disabled veteran-owned small business trade associations, such as:

Chicago Minority Business Development Center
Black Contractors United

Hispanic American Construction Ind.
The Association of Asians Construction Enterprise
Cosmopolitan Chamber of Commerce
Construction Market Data Inc.
Contractors Assoc. of Will/Grundy Counties
F. W. Dodge Corporation
Construction Data Source
Independent Contractors Assoc. of Illinois
Chicago Minority Development Council, Inc.
Women Construction Owners & Executives

- 2) Contacting business development organizations (identify specific business development organizations).
 - U. S. Department of Commerce Minority Business Development Agency (MBDA);
- 3) Attending small, small disadvantaged (minority) and women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small business procurement conferences and trade fairs (to the extent known, identify specific procurement conferences and trade fairs and dates).
 - Chicago Business Opportunity Fair
 - NMSDC Conference and Business Opportunity Fair
 - Annual Joint Industry/SBA Procurement Conference
 - Minority Enterprise Development Week (MED WEEK)
- 4) Utilizing newspaper and magazine ads to encourage new sources when funds are available to do so.

b. Internal efforts to guide and encourage Purchasing personnel.

- 1) Presenting workshops and training programs;
- 2) Establishing, maintaining and using small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business, and service disabled veteran-owned small business source lists, guides, and other data for soliciting subcontracts such as:

"TRY US" (A Directory of Small Disadvantaged Business Firms)

National Directory of Minority-Owned Business Firms (Sixth Edition)

Regional Directory of Minority and Women-Owned Business Firms (Central Edition)

The Chicago Black Pages Business Directory

Minority-Owned High Tech Businesses (Second Edition)

Greater Chicago Minority Vendors Directory

Illinois and Women Business Assistance Resource Directory

Minority Business Guide

Federal Suppliers Guide

- 3) Monitoring activities to evaluate compliance with the subcontracting plan(s).
- c. Small, small disadvantaged, women-owned small business, HUBZone, veteran-owned small business, and service disabled veteran-owned small business source lists, guides and other data identifying small, small disadvantaged, women-owned small business, HUBZone, veteran-owned small business, and service disabled veteran-owned small business concerns will be maintained and utilized by buyers/subcontract specialists sourcing suppliers.

5. FLOW-DOWN CLAUSE

The contractor agrees to include the provisions under FAR 52.219-8 entitled, "Utilization of Small Business Concerns," in all subcontracts in excess of the small purchase limitations that offer further subcontracting opportunities. All subcontractors, except small business concerns, that receive subcontracts in excess of \$500,000 (\$1,000,000 for construction) of any public facility that offer further subcontracting opportunities must adopt and comply with a plan similar to the plan required by FAR 52.219-9, "Small Business Subcontracting Plan."

Such plans will be reviewed by comparing them with the provision of Public Law 95-507, an act 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, small disadvantaged, women-owned small business, HUBZone small business subcontractors, veteran-owned small business, service disabled veteran-owned small businesses 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 subcontractor's facilities to review applicable records and subcontracting program progress.

6. 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 which show compliance with the subcontracting plan; (3) submission of semi-annual reports to

provide acquisition forecast data for subcontracting opportunities; (4) submission of Standard Form SF-294, "Subcontracting Report for Individual Contract," and SF-295, "Summary Subcontract Report," in accordance with the instructions on the forms; and (5) ensuring that large business subcontractors with subcontracting plans agree to submit Standard Forms 294 and 295.

Reporting Period	Report Due	Due Date
Oct 1 - Mar 31	SF-294	04/30
Apr 1 - Mar 30	SF-294	10/31
Oct 1 - Sept 30	SF-295	10/30

7. RECORD KEEPING

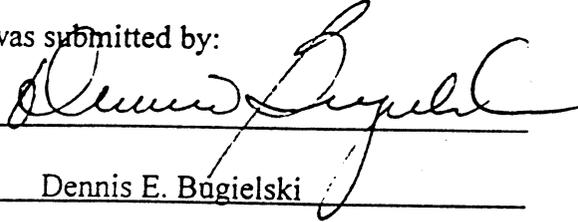
The following is a recitation of the types of records the contractor will maintain to demonstrate the procedures adopted to comply with the requirements and goals in the subcontracting plan. The records will include, but not be limited to, the following:

- a. If the prime contractor is not using PRO-Net as its source for small business, small disadvantaged business, women-owned small business, HUBZone small business and service disabled veteran-owned small businesses concerns, list the names of guides and other data identifying such vendors (ANL utilizes PRO-Net as its source);
- b. Organizations contacted in an attempt to locate small business, small disadvantaged business, women-owned small business, HUBZone, and service disabled veteran-owned small business sources;
- c. On a contract-by-contract basis, records on all subcontract solicitations over \$100,000 which indicate for each solicitation (1) whether small business concerns were solicited and, if not, why not; (2) whether HUBZone small business concerns were solicited, if not, why not; (3) whether small disadvantaged business concerns were solicited, if not, why not; (4) whether woman-owned small business concerns were solicited, and if not, why not; (5) whether veteran-owned small business or service disabled veteran-owned small business concerns were solicited, and if not, why not; and (6) the reason for the failure to solicit small, disadvantaged, woman-owned, HUBZone, veteran-owned small business and service disabled veteran-owned small business concerns to receive the subcontract award;
- 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 guidance and encouragement, provided to buyers through (1) workshops, seminars, training programs, incentive awards; and (2) monitoring of activities to evaluate compliance; and

- f. On a contract-by-contract basis, records to support subcontract award data including name, address, and business size of each subcontractor.

This subcontracting plan was submitted by:

SIGNATURE:



TYPED NAME:

Dennis E. Bugielski

TITLE:

Manager, ANL Procurement

DATE PREPARED:

SEPTEMBER 5, 2001 (REVISED NOVEMBER 14, 2001)

PHONE NO.:

630-252-7028

This subcontracting plan was accepted by:

APPROVAL:



AGENCY:

TYPED NAME:

RORY S. SIMPSON
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U.S. DEPARTMENT OF ENERGY

TITLE:

DATE APPROVED:

11/16/01

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