



Department of Energy

Argonne Area Office
9800 South Cass Avenue
Argonne, Illinois 60439

MAY 26 2004

Dr. Thomas F. Rosenbaum
Vice President for Research and
Argonne National Laboratory
The University of Chicago
5801 South Ellis Avenue
Chicago, Illinois 60637

Dear Dr. Rosenbaum:

**SUBJECT: CONTRACT W-31-109-ENG-38 FOR OPERATION OF ARGONNE
NATIONAL LABORATORY; MODIFICATION M419**

Enclosed is a fully executed copy of Modification M419.

Should you have any questions, please contact me at (630) 252-2127.

Sincerely,

A handwritten signature in black ink, appearing to read "Rory S. Simpson", written over a horizontal line.

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.
M. Derbidge, Chief Operations Officer, ANL, w/encl.
R. Carder, University of Chicago, Assistant Vice President
for Program Development, w/encl.
D. M. Randel, President, University of Chicago, w/encl.
W. J. Hogan, Jr., Comptroller, University of Chicago, w/encl.
~~M. Jones, ANL-LEG, w/encl.~~
D. Schmitt, ANL, w/encl.

2. AMENDMENT/MODIFICATION NO. M419	3. EFFECTIVE DATE 05/15/2004	4. REQUISITION/PURCHASE REQ. NO. 02-04CHENG38.008	5. PROJECT NO. (If applicable) N/A
6. ISSUED BY CODE U.S. Department of Energy Chicago Operations Office/Argonne Site Office 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 not required to sign this document.
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)	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) RORY S. SIMPSON CONTRACTING OFFICER, AAO
15B. CONTRACTOR/OFFEROR	16B. UNITED STATES DEPARTMENT OF ENERGY
BY: <i>Thomas F. Rosenbaum</i> (Signature of person authorized to sign)	BY: <i>[Signature]</i> (Signature of Contracting Officer)
15C. DATE SIGNED 5/10/04	16C. DATE SIGNED 05/17

14. Description of Amendment/Modification:

1. PART I, SECTION H, SPECIAL CONTRACT REQUIREMENTS TABLE OF CONTENTS, dated May 15, 2004 (attached) is substituted for the previous PART 1, SECTION H, SPECIAL CONTRACT REQUIREMENTS TABLE OF CONTENTS incorporated by Modification No. M380.

2. Clause No. H.46 is added to the contract as follows:

“CLAUSE H.46 - LOBBYING RESTRICTION (ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2002)

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.”

3. Clause No. H.47 is added to the contract as follows:

“CLAUSE H.47 - LOBBYING RESTRICTION (DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2002)

The contractor agrees that none of the funds obligated on this award shall be made available for any activity or 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.”

4. Clause No. H.48 is added to the contract as follows:

“CLAUSE H.48 - LOBBYING RESTRICTION (ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2003)

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.”

5. Clause No. H.49 is added to the contract as follows:

"CLAUSE H.49 - LOBBYING RESTRICTION (DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2003)

The contractor agrees that none of the funds obligated on this award shall be made available for any activity or 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."

6. Clause No. H.50 is added to the contract as follows:

"CLAUSE H.50 - LOBBYING RESTRICTION (ENERGY AND WATER ACT 2004)

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."

7. Clause No. H.51 is added to the contract as follows:

"CLAUSE H.51 - LOBBYING RESTRICTION (INTERIOR ACT 2004)

The contractor agrees that none of the funds obligated on this award shall be made available for any activity or 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."

8. PART II, SECTION I, CONTRACT CLAUSES TABLE OF CONTENTS dated May 15, 2004 (attached) is substituted for the previous PART II, SECTION I, CONTRACT CLAUSES TABLE OF CONTENTS incorporated by Modification No. M380.

9. Clause No. I.124 is added to the contract as follows:

"CLAUSE I. 124 - FAR 52.204-7 CENTRAL CONTRACTOR REGISTRATION (OCT 2003)

(a) Definitions. As used in this clause-
'Central Contractor Registration (CCR) database' means the primary Government repository for Contractor information required for the conduct of business with the Government.

'Data Universal Numbering System (DUNS) number' means the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities.

'Data Universal Numbering System +4 (DUNS+4) number' means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. (D&B has no affiliation with this 4-character suffix.) This 4-character suffix may be assigned at the discretion of the business concern to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see the FAR at Subpart 32.11) for the same parent concern.

'Registered in the CCR database' means that-

- (1) The Contractor has entered all mandatory information, including the DUNS number or the DUNS+4 number, into the CCR database; and
- (2) The Government has validated all mandatory data fields and has marked the record 'Active'.

(b)(1) The Contractor shall be registered in the CCR database by June 30, 2004. The Contractor shall maintain registration during performance and through final payment of this contract.

(2) The Contractor shall enter, in the block with its name and address on the cover page of the SF 30, Amendment of solicitation/Modification of Contract, the annotation "DUNS" or "DUNS +4" followed by the DUNS or DUNS +4 number that identifies the Contractor's name and address exactly as stated in this contract. The DUNS number will be used by the Contracting Officer to verify that the Contractor is registered in the CCR database.

(c) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An offeror may obtain a DUNS number-

(i) If located within the United States, by calling Dun and Bradstreet at 1-866-705-5711 or via the Internet at <http://www.dnb.com>; or

(ii) If located outside the United States, by contacting the local Dun and Bradstreet office.

(2) The offeror should be prepared to provide the following information:

- (i) Company legal business.
 - (ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.
 - (iii) Company Physical Street Address, City, State, and Zip Code.
 - (iv) Company Mailing Address, City, State and Zip Code (if separate from physical).
 - (v) Company Telephone Number.
 - (vi) Date the company was started.
 - (vii) Number of employees at your location.
 - (viii) Chief executive officer/key manager.
 - (ix) Line of business (industry).
 - (x) Company Headquarters name and address (reporting relationship within your entity).
- (d) If the Offeror does not become registered in the CCR database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.
- (e) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered should consider applying for registration immediately upon receipt of this solicitation.
- (f) The Contractor is responsible for the accuracy and completeness of the data within the CCR database, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR database to ensure it is current, accurate and complete. Updating information in the CCR does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.
- (g) (1) (i) If a Contractor has legally changed its business name, 'doing business as' name, or division name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in Subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day's written notification of its intention to (A) change the name in the CCR database; (B) comply with the requirements of Subpart 42.12 of the FAR; and (C) agree in writing to the timeline and procedures specified by the responsible

Contracting Officer. The Contractor must provide with the notification sufficient documentation to support the legally changed name.

- (ii) If the Contractor fails to comply with the requirements of paragraph (g)(1)(i) of this clause, or fails to perform the agreement at paragraph (g)(1)(i)(C) of this clause, and, in the absence of a properly executed novation or change-of-name agreement, the CCR information that shows the Contractor to be other than the Contractor indicated in the contract will be considered to be incorrect information within the meaning of the "Suspension of Payment" paragraph of the electronic funds transfer (EFT) clause of this contract.
- (2) The Contractor shall not change the name or address for EFT payments or manual payments, as appropriate, in the CCR record to reflect an assignee for the purpose of assignment of claims (see FAR Subpart 32.8, Assignment of Claims). Assignees shall be separately registered in the CCR database. Information provided to the Contractor's CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that Contractor will be considered to be incorrect information within the meaning of the 'Suspension of payment' paragraph of the EFT clause of this contract.
- (h) Offerors and Contractors may obtain information on registration and annual confirmation requirements via the internet at <http://www.ccr.gov> or by calling 1-888-227-2423, or 269-961-5757.

(End of clause)

10. Appendix F – Key Personnel, dated March 6, 2004 and attached hereto is substituted for the previous Appendix F – Key Personnel.
11. Appendix H – FY 2004 – Small Business Subcontracting Plan, attached hereto, is applicable to the period from October 1, 2003 through September 30, 2004.
12. Appendix I – List B, DOE Directives, dated March 12, 2004 and attached hereto is substituted for the previous Appendix I – List B, DOE Directives.

END OF MODIFICATION

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I.121	M380 (1/02)	DEAR 970.5203-2	PERFORMANCE IMPROVEMENT AND COLLABORATION (DEC 2000) (NEW CLAUSE)	
I.122	M380 (1/02)	DEAR 970.5226-3	COMMUNITY COMMITMENT (DEC 2000) (NEW CLAUSE)	
I.123	M380 (1/02)	DEAR 970.5235-1	FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER SPONSORING AGREEMENT (DEC 2000) (NEW CLAUSE)	
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Appendix F

Key Personnel

Appendix F

Key Personnel

The following personnel are identified as Key Personnel pursuant to Clause I.97, "Key Personnel":

<u>TITLE</u>	<u>NAME</u>
Laboratory Director	Hermann A. Grunder
Deputy Laboratory Director	Donald Joyce
Chief Operations Officer/Site Manager	Michael H. Derbidge
Associate Laboratory Directors	
Advanced Photon Source	J. Murray Gibson
Energy and Environmental Science and Technology	Harvey Drucker
Engineering Research	John I. Sackett
Physical, Biological, and Computing Sciences	Robert Rosner
National Security	Alan A. Foley
Deputy Engineering Research	Robert W. Benedict
Chief Scientist	Robert Rosner

May 15, 2004
Modification No. M419
Supplemental Agreement to
Contact No. W-31-109-ENG-38

Appendix H

FY 2004 - Small Business Subcontracting Plan

FY '04 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 10/01/03 - 9/30/04
(DAY, MONTH, AND YEAR)

1. TYPE OF PLAN *(please check one)*

- Individual Contract Plan** - Individual Contract Plan, as used in this subpart, 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, 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")
\$52,500,000 and 50%
- 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") *\$3,150,000 and 3.0%*
- f. Total estimated dollar value and percent of planned subcontracting with Veteran-Owned Small Business: (% of "a") *\$1,575,000 and 1.5%*
- g. Total estimated dollar value and percent of planned subcontracting with Service Disabled Veteran-Owned Small Business: (% of "a") *\$1,575,000 and 1.5%*
- h. Total estimated dollar value and percent of planned subcontracting with LARGE BUSINESS: (% of "a") *\$52,500,000 and 50%*

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>LARGE</i>
ADP Maintenance	X	X	X	X			X
ADP Supplies	X	X	X	X			X
ADP Supplies (AMOS)	X	--	--				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	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	--	--				--
Information Technology	X	X	X		X	X	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

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, without 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 a reasonable expectation that bids, competitive as to price, quality, and delivery will be obtained from two or more responsive veteran-owned, small business or service disabled veteran-owned small business concerns.
- i. Indirect costs have been _____ / have not been X included in the dollar and 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 the 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", (<http://pro-net.sba.gov/index2.html>), the Central Contractor Requisition (CCR) (<http://www.ccr.gov>) the National Minority Purchasing Council Vendor Information Service, the Office of Minority Business Data Center in the Department of Commerce, National Association of Women Business Owner 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 by 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 in 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 (except those for commercial items) 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, 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, 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

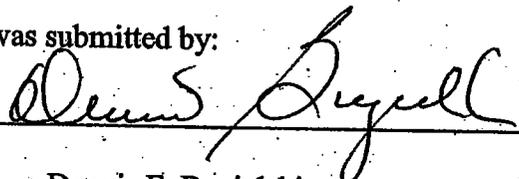
The following is a recitation of the types of records the contractor will maintain to demonstrate the procedures adopted to comply with the requirements and goals in the subcontracting plan. These records will include, but not be limited to, the following:

- a. If the prime contractor is not using PRO-Net and/or the CCR 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 and/or the CCR 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 of solicited 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 the 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:

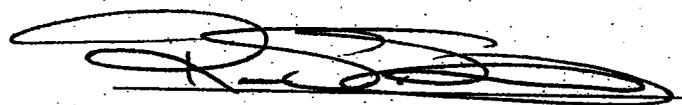
SEPTEMBER 12, 2003

PHONE NO.:

630-252-7028

This subcontracting plan was accepted by:

APPROVAL:



AGENCY:

TYPED NAME:

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

TITLE:

DATE APPROVED:

11/17/2003

PHONE NO.:

(630) 252-2127

Appendix I – List B

DOE Directives

Appendix I - List B

DOE Directives

ES&H

O 151.1B	10/29/03	Comprehensive Emergency Management System
N 153.2	08/11/03	Connectivity to National Atmospheric Release Advisory Center (NARAC)
O 225.1A	11/26/97	Accident Investigation
N 231.1	01/15/02	Environment, Safety, and Health Reporting Notice (extended by DOE N 231.2)
O 414.1A* Chg. 1	09/29/99 07/12/01	Quality Assurance
O 420.1A	05/20/02	Facility Safety
O 420.2A	01/08/01	Safety of Accelerator Facilities
O 425.1C	03/13/03	Startup and Restart of Nuclear Facilities
O 435.1 Chg. 1	07/09/99 08/28/01	Radioactive Waste Management
O 440.1A	03/27/98	Worker Protection Management for DOE Federal and Contractor Employees
O 440.2B	11/27/02	Aviation Management and Safety
O 450.1	01/15/03	Environmental Protection Program
O 460.1B	04/04/03	Packaging and Transportation Safety
O 460.2 Chg. 1	09/27/95 10/26/95	Departmental Materials Transportation and Packaging Management
O 5400.5* Chg. 1 Chg. 2	02/08/90 06/05/90 01/07/93	Radiation Protection of the Public and the Environment
O 5480.4* Chg. 1 Chg. 2 Chg. 3 Chg. 4	05/15/84 05/16/88 05/16/89 09/20/91 01/07/93	Environmental Protection, Safety, and Health Protection Standards

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O 5480.19	07/09/90	Conduct of Operations Requirements for DOE Facilities
Chg. 1	05/18/92	
Chg. 2	10/23/01	
O 5480.20A	11/15/94	Personnel Selection, Qualification, and Training Requirements for DOE Nuclear Facilities
Chg. 1	07/12/01	
O 5480.30	01/19/93	Nuclear Reactor Safety Design Criteria
Chg. 1	03/14/01	

SAFEGUARDS AND SECURITY

N 142.1	07/14/99	Unclassified Foreign Visits and Assignments (extended by DOE N 251.53)
O 142.1	01/13/04	Classified Visits Involving Foreign Nationals
O 142.2	01/07/04	Safeguards Agreement and Protocol with the International Atomic Energy Agency
N 203.1	10/02/00	Software Quality Assurance (extended by DOE N 251.40)
O 205.1	03/21/03	Department of Energy Cyber Security Management Program
N 205.2	11/01/99	Foreign National Access to DOE Cyber Systems (extended by DOE N 205.7)
N 205.3	11/23/99	Password Generation, Protection, and Use (extended by DOE N 205.7)
N 205.4	03/18/02	Handling Cyber Security Alerts and Advisories and Reporting Cyber Security Incidents (extended by DOE N 205.6)
N 205.8	02/11/04	Cyber Security Requirements for Wireless Devices and Information Systems
N 205.9	02/19/04	Certification and Accreditation Process for Information Systems Including National Security Systems
N 205.10	02/19/04	Cyber Security Requirements for Risk Management

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N 205.11	02/19/04	Security Requirements for Remote Access to DOE and Applicable Contractor Information Technology Systems
N 205.12	02/19/04	Clearing, Sanitizing, and Destroying Information System Storage Media, Memory Devices, and Other Related Hardware
O 461.1	09/29/00	Packaging and Transfer or Transportation of Materials of National Security Interest
O 470.1* Chg. 1	09/28/95 06/21/96	Safeguards and Security Program (extended by DOE N 251.53)
O 470.2B	10/31/02	Independent Oversight and Performance Assurance Program
O 471.1A	06/30/00	Identification and Protection of Unclassified Controlled Nuclear Information
O 471.2A	03/27/97	Information Security Program (extended by DOE N 251.53)
O 471.3	04/09/03	Identifying and Protecting Official Use Only Information
O 471.4	03/17/04	Incidents of Security Concern
O 472.1C	03/25/03	Personnel Security Activities
O 473.1	12/23/02	Physical Protection Program
O 473.2	06/30/00	Protective Force Program
N 473.8	08/07/02	Security Conditions (extended by DOE N 251.54)
O 474.1A	11/20/00	Control and Accountability of Nuclear Materials
N 481.1A	04/21/03	Reimbursable Work for Department of Homeland Security
O 551.1B	08/19/03	Official Foreign Travel
O 5610.2 Chg. 1	08/01/80 09/02/86	Control of Weapon Data
O 5660.1B	05/26/94	Management of Nuclear Materials

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O 350.2A	10/29/03	Use of Management and Operating or Other Facility Management Contractor Employees for Services to DOE in the Washington, D.C., Area
O 412.1	04/20/99	Work Authorization System
O 413.2A	01/08/01	Laboratory Directed Research and Development
O 413.3	10/13/00	Program and Project Management of the Acquisition of Capital Assets
O 430.1B	09/24/03	Real Property Asset Management
O 430.2A	04/15/02	Departmental Energy & Utilities Management
O 442.1A	06/06/01	Department of Energy Employee Concerns Program
O 443.1	05/15/00	Protection of Human Subjects
N 450.7	10/17/01	The Safe Handling, Transfer, and Receipt of Biological Etiologic Agents at Department of Energy Facilities (extended by DOE N 450.11)
O 481.1B	09/28/01	Work for Others (Non-Department of Energy Funded Work)
O 482.1	01/12/01	DOE Facilities Technology Partnering Programs
O 483.1	01/12/01	DOE Cooperative Research and Development Agreements
O 1340.1B	01/07/93	Management of Public Communications, Publications, and Scientific, Technical, and Engineering Publications
O 1350.1 Chg. 1	10/28/81 03/26/84	Audiovisual and Exhibits Management
O 1450.4	11/12/92	Consensual Listening-In To or Recording Telephone/Radio Conversations
O 5530.1A	09/20/91	Accident Response Group
O 5530.3 Chg. 1	01/14/92 04/10/92	Radiological Assistance Program

* Parts canceled by new Orders