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TITLE: CIB 87-5 Procedures for reviewing, reporting and monitoring subcontracting plans incorporated in M/SER/OP issued contracts pursuant to the clause at FAR 52.219-9

AGENCY FOR INTERNATIONAL DEVELOPMENT
WASHINGTON DC 20522

MEMORANDUM

May 14, 1987

TO: M/SER/OP, Contracting Staff

FROM: M/SER/OP, Terrence J. McMahon

SUBJECT: Procedures for reviewing, reporting and monitoring subcontracting plans incorporated in M/SER/OP issued contracts pursuant to the clause at FAR 52.219-9

OP ADMINISTRATIVE MEMORANDUM 87-5

A. PURPOSE

This establishes procedures for subcontracting plan reviews by the Office of Small and Disadvantaged Business utilization (OSDBU/MRC) and the Small Business Administration Procurement Center Representative (SBAPCR), and for designating the Director, OSDBU/MRC, as the Administrative Contracting Officer (ACO) to monitor performance under negotiated subcontracting plans incorporate in M/SER/OP issued contracts pursuant to the clause at FAR 52.219-9.

B. BACKGROUND

The Small Business Act (P.L. 95-507) requires the apparently successful offeror on negotiated contracts or contract modifications expected to exceed \$1,000,000 for construction, and \$500,000 for other contracts, to submit an acceptable subcontracting plan when subcontracting is possible consistent with the efficient performance of the contract. Implementing instructions are established in FAR Subpart 19.7

C. PROPOSED SUBCONTRACTING PLAN REVIEW PROCEDURE

The M/SER/OP Procuring Contracting Officer (PCO) shall forward a copy of the proposed subcontracting plans if any, to OSDBU/MRC for review and evaluation together with two copies of the solicitation document. The transmittal memorandum to OSDBU/MRC must include the probable amount of the contract or contract modification award, and the anticipated award date.

The OSDBU/MRC and the SBAPCR will review the proposed subcontracting plan and provide the PCO with written advisory comments no later than five working days after receipt of the plan.

After the proposed plan is returned to the PCO, it should be negotiated with the prime contractor and incorporated into the contract.

The PCO will indicate the disposition of the advisory comments provided by OSDBU/MRC and the SBAPCR in the negotiation memorandum.

A copy of the final plan which will be incorporated in the contract must be sent to the OSDBU/MRC who will then forward the material to SBA.

D. REPORTING

In Section H of the Contract Schedule, the PCO shall include a requirement for the submission of the SF 294 and SF 295 subcontracting reports at FAR 52.219-9(c)(10). The reports are sent to:

Director, OSDBU/MRC
U.S.A.I.D.
Room 1400A SA-14
Washington, D.C. 20523

E. MONITORING SUBCONTRACTING PLAN

In Section G of the Contract Schedule, the PCO shall designate the Director OSDBU/MRC, as the Administrative Contracting Officer (ACO) responsible for assisting in monitoring, evaluating, and documenting contractor performance under the contract clause at FAR 52.219-9 and the negotiated subcontracting plan, if any, included in the contract. The ACO shall provide the necessary information and advice to support the PCO, as appropriate, by furnishing:

(1) Information of the extent to which the contractor is meeting the plan's goals for subcontracting with eligible small and small disadvantaged business concerns;

(2) Information on whether the contractor's efforts to ensure the participation of small and small disadvantaged business concerns are in accordance with its subcontracting plan;

(3) Information on whether the contractor is requiring its subcontractors to adopt similar subcontracting plans; and

(4) Immediate notices if during contract performance, the contractor is failing to meet its commitments under the contract clause or the subcontracting plan, including submission of the required reports,

If the contractor has not complied in good faith with the subcontracting plan, the ACO shall make appropriate recommendations that PCO's may use for future contracts.

Clearance:

OSDBU/MRC, Joe Bennett

date May 14, 1987

Info copies to: M/AAA/SER, J.F. Owens; SER/PPE/J. Murphy,
K. O'Hara, L. Cordaro