

SPECIAL EMPHASIS PROGRAM REVIEW

(REV 08/03)

To: Frank J. Waltos, HAAM-10
Small Business Advisor

PR No. B0-54-3065

From: Andre Sheppard
Contract Specialist

RFP No. DTFH61- 03-R-00100

Contract No. DTFH61- 03-C-00136

The attached material is presented for review pursuant to TAM 1219: (select B2, B3, B4, and C as applicable)

B.2 Procurement method: (FAR 19.402)
date requested 8(a) Sole source to: ^[1]

- 8(a) Competitive set-aside ^[1] Small Business competitive set-aside
 HUBzone competitive set-aside Full and Open competitive or Sole Source ^[2]

Concur Non-concur (see comments below)

Frank J. Waltos Date

NOTES: ^[1] For new requirements, attach a copy of the PR and provide an e-copy of the SOW.
^[2] Attach a complete copy of PR and Program Office justification for F&O competition or SS.

B.3 NAICS Code: (FAR 19.303) No. _____ SB Size Standard: _____
date requested Concur Non-concur. Recommend No. _____ SB Size Standard: _____

Frank J. Waltos Date

B.4 Contract Bundling: (FAR 7.107)
date requested No (per FAR 2.101. Supporting data attached when over \$10 Million)
 Yes (per FAR 2.101. Justification attached)
 N/A (requirement is set-aside for Small Business)

Concur Non-concur (see comments below)

Frank J. Waltos Date

C. Subcontracting Plan: (FAR 19.7)
date requested Required (copy attached)
 None planned (Offeror statement attached)

Concur Non-concur (see comments below)

Frank J. Waltos 09/04/03
Frank J. Waltos Date

COMMENTS:

DOT OSDBU Representative (if applicable) Date Concur Non-concur

SBA Procurement Center Representative (if applicable) Date Concur Non-concur

BAFO PART 2

SMALL BUSINESS SUBCONTRACTING PLAN (REVISED AUGUST 24, 2003)

FHWA SOLICITATION NO. DTFH61-03-R-100

DUNS

153762220

Contractor: Construction Technology Laboratories, Inc. (CTL)

Address: Project Office
5565 Sterrett Place, Suite 312
Columbia, Maryland 21044
Telephone: (410) 997-0400
Fax: (410) 997-8480

Home Office
5400 Old Orchard Road
Skokie, Illinois 60077
Telephone: (847) 965-7500
Fax: (847) 965-6541

Contract Period: Two Base Years plus 3 Option Years

CTL is committed to the utilization of SBEs and SDBEs. The following subcontracting plan has been prepared in accordance with the requirements prescribed in FAR 52.219-9 in support of the Government's desire to encourage small business and small disadvantaged business enterprises (SBE and SDBE/WBE) participation in federally funded projects.

1. GOALS

- a. *SDBE* – APTEch, one of our key subcontractors, is a SDBE recognized as such by several State and City agencies. A list of the certifying agencies is provided in Part 1 of the BAFO response. APTEch will support CTL in all CPTP support activities. Specific involvement will be determined on basis of task orders, but tentative distribution is summarized in Item d below.
- b. *WBE* - APTEch, one of our key subcontractors, is a WBE recognized as such by several State and City agencies. A list of the certifying agencies is provided in Part 1 of the BAFO response. APTEch will support CTL in all CPTP support activities. Specific involvement will be determined on basis of task orders, but tentative distribution is summarized in Item d below.
- c. *SBE* – CTL and its three subcontractors (APTEch, Woodward Communications, and Soil and Materials Engineers) are small business concerns (as per the NAICS code and size standard of 500 employees for this procurement). Therefore, up to 90% of the contract work will be undertaken by small business concerns (including CTL). Specific involvement will be determined on basis of task orders, but tentative distribution is summarized in Item d below.
- d. *Specific Subcontracting Goals:*

- Total planned to be subcontracted of total value: 38%
- Small Business Concerns: 100% of subcontracted dollars are planned to be procured from Small Business Concerns (APTech, WC, SME)
- Small Disadvantaged Business Enterprise: 44% of subcontracted dollars are planned to be procured from a Small Disadvantaged Business Concern (APTech)
- Women-owned Business Enterprise: 44% of subcontracted dollars are planned to be procured from a Women-owned Business Enterprise (APTech)

2. DOLLAR AMOUNTS TO BE SUBCONTRACTED

It is CTL's proposed plan that up to \$2,247,971 of the total proposed contract amount of \$5,849,549 will be used for small business subcontracting opportunities. Specific details for the dollar amounts to be subcontracted cannot be provided at this time because of the IDIQ task order nature of the proposed work. However, our plan is to subcontract the following dollars amounts:

- Total planned to be subcontracted of total value: \$2,247,971 of the total proposed contract amount of \$5,849,549
- Small Business Concerns: \$2,247,971 (100%) of subcontracted dollars are planned to be procured from Small Business Concerns (APTech, WC, SME)
- Small Disadvantaged Business Enterprise: \$998,652 of subcontracted dollars are planned to be procured from a Small Disadvantaged Business Concern (APTech)
- Women-owned Business Enterprise: \$998,652 of subcontracted dollars are planned to be procured from a Women-owned Business Enterprise (APTech)

3. PRODUCTS AND SERVICES

The following services will be obtained from our SBs and SDBE/WBE subcontractors:

1. Preparation of CPTP Status Report (Task A).
2. Preparation of CPTP Marketing Plan (Task B)
3. Support of Tasks C and D activities.

The work will be assigned on the basis of task orders, as approved by FHWA.

4. METHOD USED FOR DEVELOPING SUBCONTRACTING GOALS

CTL has an active program of providing subcontracting opportunities to SBE and SDBE/WBE. As such, CTL staff routinely maintains information on local and national SBE and SDBE/WBE who may be able to contribute effectively on CTL projects for government agencies and industry. CTL staff use an informal rule of targeting about 15 to 20% of the dollar amount on research projects for subcontracting opportunities for SBs and SDBE/WBE

and universities. For this particular procurement, we have been very pleased to have been able to consider up to 44% of the proposed contract amount for subcontracting.

5. SELECTION PROCESS

The following process was used:

- a. *SDBE/WBE* – APTEch was selected as a subcontractor based on a review of their technical expertise, staff qualifications and availability, and past performance on similar projects. In our opinion, there were no other SDBE/WBEs that can match APTEch's qualifications with respect to the specific technical needs of the very technically complex project such as the proposed project.
- b. *Small Business Concerns* – WC, SME and APTEch were selected as a subcontractors based on a review of their technical expertise, staff qualifications and availability, and past performance on similar projects. In our opinion, there were no other SBs that can match the team's qualifications with respect to the specific technical needs of the very technically complex project such as the proposed project.
- c. *Other Plans for Locating SBs and SDBE/WBE's* – CTL regularly provides services to Federal and State agencies. As such, CTL routinely interacts with several SBs and SDBE/WBEs. We maintain listings provided by these agencies and endeavor actively to meet the SBs and SDBE/WBE goals established by the agencies.

Our normal practice is to develop active and continuing dialog with area SBE and SDBE/WBE and to include these enterprises whenever opportunities arise.

We also regularly provide services to SDBE/WBE in their efforts to seek technical challenging work from Federal and State agencies.

6. CONSIDERATION OF INDIRECT COSTS

Indirect costs have not been included in the percentage and dollar subcontracting goals stated above.

7. SUBCONTRACTING ADMINISTRATOR

Dr. Shiraz Tayabji, Regional Manager, Columbia, Maryland office will administer CTL's subcontracting program. Dr. Tayabji's responsibilities will include the following:

- a. Monitor the subcontracting programs and attainment of established goals for this procurement.
- b. Maintain regular contacts with subcontractors to review progress and expenditures.
- c. Ensure timely payments to the subcontractors.
- d. Interact regularly with the subcontractors to identify potential problems in a timely manner and help resolve these problems expeditiously.
- e. Provide mentoring opportunities as appropriate.

8. CTL'S EFFORTS

CTL will:

- a. Identify available SBs and SDBE/WBE in the local area.
- b. Keep informed of the requirements pertaining to the use of subcontractors on federally, state, and municipal funded projects.
- c. Maintain contacts with area SBs and SDBE/WBE.
- d. Consider inclusion of SBs and SDBE/WBE in solicitations for products or services.
- e. Cooperate in the conduct of surveys or studies related to subcontracting practices as authorized by the Contracting Officers.

9. SUBCONTRACTING REQUIREMENTS BY SUBCONTRACTORS

CTL will include the clause of this contract entitled "Utilization of Small Business Concerns" in all subcontracts that offer subcontracting opportunities. CTL will require that subcontractors (except SBs) that receive subcontracts in excess of \$500,000 adopt a subcontracting plan.

10. ASSURANCES

CTL will:

- a. Cooperate in any studies or surveys as may be required
- b. Submit periodic reports so that the Government can determine the extent of compliance by the offeror with the subcontracting plan
- c. Submit Standard Form (SF) 294, Subcontracting Report for Individual Contracts, and/or SF 295, Summary Subcontract Report. The reports will provide information on subcontract awards to small business concerns, veteran-owned small business concerns, service-disabled veteran-owned small business concerns, HUBZone small business concerns, small disadvantaged business concerns, women-owned small business concerns, and Historically Black Colleges and Universities and Minority Institutions. Reporting will be in accordance with the instructions on the forms or as provided in agency regulations.
- d. Ensure that its subcontractors agree to submit SF 294 and SF 295, as applicable.

11. RECORD KEEPING

CTL will maintain proper records related to the subcontracting plan. The records will include at least the following:

- a. Source lists (*e.g.*, PRO-Net), guides, and other data that identify small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns.
- b. Organizations contacted in an attempt to locate sources that are small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, or women-owned small business concerns.

- c. Records on each subcontract solicitation resulting in an award of more than \$100,000, indicating-
 - (A) Whether small business concerns were solicited and, if not, why not;
 - (B) Whether veteran-owned small business concerns were solicited and, if not, why not;
 - (C) Whether service-disabled veteran-owned small business concerns were solicited and, if not, why not;
 - (D) Whether HUBZone small business concerns were solicited and, if not, why not;
 - (E) Whether small disadvantaged business concerns were solicited and, if not, why not;
 - (F) Whether women-owned small business concerns were solicited and, if not, why not; and
 - (G) If applicable, the reason award was not made to a small business concern.
- d. Records of any outreach efforts to contact-
 - (A) Trade associations;
 - (B) Business development organizations;
 - (C) Conferences and trade fairs to locate small, HUBZone small, small disadvantaged, and women-owned small business sources; and
 - (D) Veterans service organizations.
- e. Records of internal guidance and encouragement provided to buyers through-
 - (A) Workshops, seminars, training, etc.; and
 - (B) Monitoring performance to evaluate compliance with the program's requirements.
- f. On a contract-by-contract basis, records to support award data submitted by the offeror to the Government, including the name, address, and business size of each subcontractor.

SUMMARY

In order to effectively implement this subcontracting plan to the extent consistent with efficient contract performance, CTL will perform the following functions:

1. Assist small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns by arranging solicitations, time for the preparation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation by such concerns. Where the Contractor's lists of potential small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business subcontractors are excessively long, reasonable effort shall be made to give all such small business concerns an opportunity to compete over a period of time.
2. Provide adequate and timely consideration of the potentialities of small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business,

and women-owned small business concerns in all "make-or-buy" decisions.

3. Counsel and discuss subcontracting opportunities with representatives of small business, veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business firms.
4. Provide notice to subcontractors concerning penalties and remedies for misrepresentations of business status as small, veteran-owned small business, HUBZone small, small disadvantaged, or women-owned small business 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.

END OF SUBCONTRACTING PLAN