

## **REQUIREMENTS FOR A SUBCONTRACTING PLAN**

**(NOTICE OF REQUIREMENTS FOR CONTRACTUAL SMALL, SMALL DISADVANTAGED, AND WOMEN-OWNED SMALL BUSINESS [S/SDB/WOSB] SUBCONTRACTING PLAN)**  
(These requirements do not apply to small businesses or to JPL contracts for commercial items.)

### **I. GENERAL**

- A. By submitting an offer or bid in response to this solicitation, the offeror acknowledges that it is aware of the requirements in this provision to submit (if the proposed work offers subcontracting possibilities) a contractual plan to include the elements set forth in the provision below entitled "Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan" consistent with the terms and value of the contract to be awarded, if any.
- B. The offeror further acknowledges that it is aware that failure of the selected offeror to comply in good faith with any small, small disadvantaged, and women-owned small business subcontracting plan required to be submitted for any resultant contract, shall be a material breach of the contract and may result in the assessment of liquidated damages by the Institute.

### **II. REQUIREMENTS FOR PROPOSALS**

Offerors/bidders which are not small business are to provide preliminary subcontracting plans with proposals over \$500,000, unless there are no subcontracting opportunities.

### **III. REQUIREMENTS FOR A COMPREHENSIVE CONTRACTUAL PLAN**

Within the time specified by the JPL negotiator, the selected Contractor(s) shall submit to the JPL Negotiator a comprehensive subcontracting plan in accordance with the provision below entitled "Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan."

#### **SMALL, SMALL DISADVANTAGED, AND WOMEN-OWNED SMALL BUSINESS SUBCONTRACTING PLAN**

*(ref.: FAR 52.219-9, Aug '96)*

- (a) This provision does not apply to small business concerns or to JPL contracts for commercial items.
- (b) The offeror, upon request by the JPL negotiator, shall submit and negotiate a subcontracting plan, where applicable, which separately addresses subcontracting with small business concerns, with small disadvantaged business concerns, and with women-owned small business concerns. A contract plan must also have a separate part for the basic contract and separate parts for each option (if any). The plan shall be deemed to be included as a part of any resultant contract. The subcontracting plan shall be negotiated within the time specified by the JPL Negotiator.
- (c) The Contractor's subcontracting plan shall include the subcontracting plan requirements set forth in FAR 52.219-9 (August 1996), except as stated here.
- (d) Consistent with efficient Contract performance, the Contractor shall provide adequate and timely consideration of the potentialities of small, small disadvantaged, women-owned small, HBCU, OMU and MI concerns in its "make or buy" decisions.

- (e) A master subcontracting plan on a plant or division-wide basis which contains all the elements required by FAR 52.219-9 (August 1996), except goals, may be incorporated by reference as a part of the subcontracting plan required of the offeror by this Provision; provided:
  - (1) The master plan has been approved;
  - (2) The offeror provides copies of the approved master plan and evidence of its approval to the JPL Negotiator; and
  - (3) Goals and any deviations from the master plan deemed necessary by the JPL Negotiator to satisfy the requirements of the JPL contract are set forth in the individual subcontracting plan.
- (f) Prior compliance of the offeror with other such subcontracting plans under previous contracts may be considered by the JPL Negotiator in determining the responsibility of the offeror for award of the Contract.
- (g) The failure of the Contractor to comply in good faith with (i) the Article of the JPL General Provisions entitled "Utilization of Small, Small Disadvantaged, and Women-Owned Small Business Concerns," or (ii) an approved plan required by this Provision and the Article of the JPL General Provisions entitled "Small, Small Disadvantaged, and Women-Owned Small Business Subcontracting Plan (S/SDB/WOSB Plan)" shall be a material breach of the Contract and may result in the assessment of liquidated damages by the Institute.