# SBA

U.S. Small Business Administration



# Electronic Subcontract Reporting System (eSRS)

# **Hosts**

Charles Mason, Procurement Center Representative SBA Office of Government Contracting, Area IV, Omaha, NE

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# Welcome to "SBA Virtual Learning 2022"

- 1. Questions answered during the final 10 minutes.
- 2. Technical problems: Contact your IT admin who manages Teams settings for your organization.
- 3. Captioning available for this presentation.
- 4. We cover the "SBA Quick Reference" as time allows.
- 5. For more SBA training visit the SBA Learning Center website <a href="https://www.sba.gov/tools/sba-learning-center/search/training">https://www.sba.gov/tools/sba-learning-center/search/training</a>



# Association of Procurement Technical Assistance Centers (APTAC)

Procurement Technical Assistance Centers are a vital resource partner.

- APTAC posts past "First Wednesday" programing at this link: <u>http://www.aptac-us.org/for-contracting-officers-sba-webinar-library/</u>
- Contracting officer resources: "How PTACs partner with federal agencies": <a href="http://www.aptac-us.org/federal-partners/">http://www.aptac-us.org/federal-partners/</a>
- Find your nearest Procurement Technical Assistance Center at http://www.aptac-us.org



# **Small Business Administration YouTube Page**

SBA YouTube page posts past "First Wednesday" programming at links below.

- October 6, 2021 8(a) Program Updates: <a href="https://youtu.be/yNQ4u-Ha9Go">https://youtu.be/yNQ4u-Ha9Go</a>
- November 3, 2021 Non-Manufacture Rule (NMR): https://youtu.be/QnN2XvlaupQ
- December 1, 2021 Releasing Requirements from 8(a): https://youtu.be/htkYbkajS40
- January 5, 2022 Category Management Part 1: <a href="https://youtu.be/JJ-OyTlT3HM">https://youtu.be/JJ-OyTlT3HM</a>
- February 2, 2022 Category Management Part 2: https://youtu.be/tRw0yVR5fBA
- March 2, 2022 Market Research: https://youtu.be/aDmwe1vBzIA
- April 6, 2022 SBA Mentor Protégé Program: https://youtu.be/wh5BXPxM-P4
- May 4, 2022 eSRS System:
- Jun 1, 2022 Legislature and Regulatory Updates:
- July 6, 2022 Women Owned Small Business Program:
- August 3, 2022 HUBZone Program:



# FIRST WEDNESDAY VIRTUAL LEARNING SERIES FY 2022 SCHEDULE

#### 1:00 to 2:00 PM Central Time

FY 2022	Date	Topic		
1	October 6, 2021	8(a) Business Development Program Updates		
2	November 3, 2021	Non-Manufacturing Rule (NMR)		
3	December 1, 2021	Releasing Requirements from 8(a) Business Development Program		
4	January 5, 2022	Part I: Category Management: Policy Considerations and Flexibilities and Small Business Utilization		
5	February 2, 2022	Part 2: Category Management: Increasing Small Business Participation Through Subcontracting and Legal Obligations		
6	March 2, 2022	Market Research		
7	April 6, 2022	SBA Mentor Protégé Program		
8	May 4, 2022	Electronic Subcontract Reporting System (eSRS)		
9	June 1, 2022	Legislature and Regulatory Updates		
10	July 6, 2022	Women-Owned Small Business Program		
11	August 3, 2022	HUBZone Program		

The program schedule is for information only and is subject to change.



#### **One Continuous Learning Point**

- Self-service: Using the PowerPoint that was sent with your invitation for this training event, fill in your name on the certificate slide and save. Download the certificate and print for your records. You submit your request for training credit IAW your agency policy, i.e. FAITAS.
- If you listen in groups and you want all attendees to be included on the future mailing list, send email addresses of participants in an excel document to <a href="mailto:sbalearning@sba.gov">sbalearning@sba.gov</a>.

#### "SBA 1st Wednesday Virtual Learning 2022"

This Certificate is awarded to

#### **Insert Your Name Here**

For completion of

#### **Electronic Subcontract Reporting System (eSRS)**

This training seminar may be credited towards "Continuous Learning Points" as described in OFPP Policy Letter 05-01. Recommendation of One CLP.

Pamela J. Beavers

Director, Area IV SBA Office of Government Contracting 5/04/2022

DATE



# **Today's Speaker(s)**

Stephanie Lewis
Subcontracting Program Manager
Office of Government Contracting
U.S. Small Business Administration



# **Stephanie Lewis**

Subcontracting Program Manager SBA, Office of Government Contracting stephanie.lewis@sba.gov

eSRS Federal Service Desk <u>www.fsd.gov</u>

**CMRs:** <a href="https://www.sba.gov/document/support--commercial-market-representatives">https://www.sba.gov/document/support--commercial-market-representatives</a>

Subcontracting@sba.gov

**SBA SECOND WEDNESDAY – prime contractor training sessions** 



# Resource and Training Sources via the eSRS

#### Four Federal Government User Roles

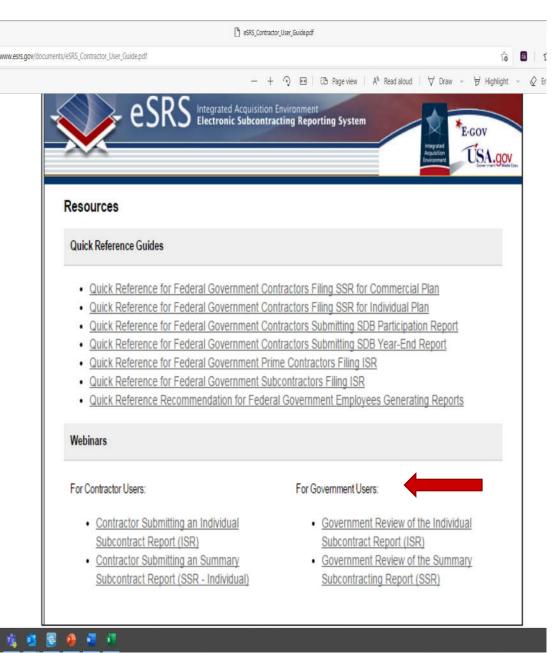
Agency Coordinator –AC has full access to eSRS for their agency and below. Users can manage their agency hierarchy, other agency contacts, manage new agency contact registrations, review eSRS reports and run reports on data from their registered level and below

Point of Contact – POC - Users manage other agency contacts (but not the agency organization), manage new agency contact registrations, review eSRS reports and run reports on data from their registered level and below.

**Contracting Officer** - CO - Users **review eSRS reports and run reports on data** from their registered level and below. In an eSRS Context, this role is likely more appropriate for users needing to review eSRS reports pertaining to contracts

**Designated Government User** - DGU users **review eSRS reports and run reports on data** from their registered level and below

**Source:** <u>Microsoft Word - eSRS\_Contracting\_Officer\_User\_Guide 4-30-2018.docxs.</u>



# WHAT eSRS REPORTS ARE REQ'D?

## **Commercial Plan**

Fiscal-Year End SSR

## **Individual Plan**

Mid-Year ISR

Fiscal-Year End ISR

Fiscal-Year End SSR

Final ISR within 30 days of contract completion

# **DOD Comprehensive Plan**

Mid-Year SSR Fiscal Year End SSR



<sup>\*</sup> Contractors with multiple plan types must not duplicate subcontract dollars on the SSR reports

# **MONITOR**

# **Ensuring timely report submissions**

Types of Reports	Applies to	Includes	Reports Due
Individual Subcontracting Report (ISR)	Individual Plans	Subcontract dollars from inception of K thru report date	Semi-annual. Reporting period ends Mar 31 and Sept 30 (due by Apr 30/Oct 30) & within 30 days of contract completion
Summary Subcontracting Report (SSR) (Individual)	Individual Plans	Summary of ALL Subcontracting under a prime or subcontract with the agency (with and without subcontracting plans) during the FY	Annual. Reporting period ends Sept 30, due by Oct 30
Summary Subcontracting Report (SSR) (Commercial/DOD DOD Comprehensive Plan		Commercial: Subcontract dollars for both commercial & govt. business during FY Comprehensive: Subcontract dollars for all DOD business during FY	Commercial Plan - Annual. Reporting period ends Sept 30, due by Oct 30  DOD Comprehensive Plan – Semiannual. Reporting period ends Mar 31 and Sept 30 (due by Apr 30/Oct 30).

\$B/

FAR 19.704

# **Extended Due Date for ISR and SSR Reports**

#### **FY20 Year-End ISR and SSR Reports:**

ISR 30-day extension; SSR 60-day extension

#### FY21 Mid-Year & Year-End ISR and SSR Reports:

15 -day extension

#### **FY22 Mid-Year ISR and SSR Reports:**

10-day extension

Type of Report	Reporting Period Ending Date	Report's Normal Due Date	Extended Due Date	Government must Review and Acknowledge or Reject the Report(s) no later than
Mid-Year ISR & SSR	March 31, 2022	April 30, 2022	May 10, 2022	June 9, 2022



# **Accepting or Rejecting ISR/ SSR Reports**

## Who Accepts or Rejects ISRs/SSRs?

**ISRs** – Contracting Officer (FAR 19.705-6(f)(2))

SSRs-

- For Commercial Plan Contracting Officer that approved the commercial plan (FAR 19.705-6(f)(3)(i))
- For Individual Plan Individual Assigned by Agency
- For DOD Comprehensive Plan DCMA



# **Subcontracting Plan Field in FPDS**

- Ensure the contract is reflected in FPDS as soon as possible
  - Contractor will receive "contract not found" error code if contract is not in FPDS at the time they try to enter their ISR report
- "Subcontracting Plan Required" field must be marked for the contractor to submit an ISR report
  - Commercial Plan approved by another agency plan was required
  - Undefinitized Contracts/Letter Contracts be sure to change when the subcontracting plan is added
  - Agreements/BOAs Subcontracting plans required with orders that meet the subcontracting plan requirements
- To be in compliance with reporting requirements, contractors resort to submitting a paper SF294 if the contract has not been entered in FPDS (not favorable – no electronic trail)
- Data flows from FPDS to eSRS in real time



# **FPDS Subcontracting Plan Codes**

Required for a DCA, Purchase Order, Delivery Order against a BOA, and Part 13 BPA Call. Propagated for a Delivery Order against FSS, GWAC and IDC.

N/A for Part 8 BPA Call

## FPDS Codes on OTSB awards that have subcontracting plans

Code	Description	Explanation
Α	Plan Not Included - No Subcontracting Possibilities	A Subcontracting Plan was not included in the contract because subcontracting possibilities do not exist (FAR 19.705-2I)
В	Plan Not Required	No Subcontracting Plan was required. (Ex. The action did not meet the dollar thresholds in FAR 19.702(a)).
С	Plan Required - Incentive Not Included	Includes a Subcontracting Plan but does not include additional incentives (FAR 19.702(a) and FAR 19.708(c)). <b>This value is end dated as of May 1, 2015.</b>
D	Plan Required - Incentive Included	Includes a Subcontracting Plan and also includes additional incentives (FAR 19.702(a), FAR 19.708(c) and DFARS 219.708(c))). <b>This value is end dated as of May 1, 2015.</b>
E	Plan required (Pre-2004)	Plan Required (Pre 2004)
F	Individual Subcontract Plan	Applies to a specific contract with goals that covers the entire contract period, including option periods (FAR 19.701)
G	Commercial Subcontract Plan	Commercial plan" means a subcontracting plan (including goals) 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) (FAR 19.701)
Н	DOD Comprehensive Subcontract Plan	A subcontracting plan based on a plant, division, or company-wide basis. This value is only valid for DoD. (DFARS 219.702).





# Individual Subcontract Report (ISR) –

What to look for

5. Corporation, Company or Subdivision Covered

1. Status: Accepted

3. Verify Data:

a. Vendor Name:

2. Unique Entity ID (DUNS):

4. Unique Entity ID (SAM):

b. Vendor Physical Address:

Street Address:
City:
State (All U.S. Territories are available under the State drop down)
Country: United States
Zip+4:
c. Vendor Mailing Address: Street Address:
City:
State (All U.S. Territories are available under the State drop down)
Country: United States
Zip+4:
6. Date Signed:

Information flows from FPDS, so if FPDS is incorrect, the CO will have to correct it within FPDS

If the data provided on this step from FPDS is correct, please choose "yes". Otherwise, choose "no" and contact your contracting officer to correct the problem.



7. Contracting Office Agency ID:



8. Contracting Office Agency Name:

DEPT OF THE ARMY

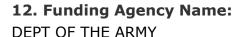
9. Contracting Office ID:



**10. Contracting Office Name:** 



11. Funding Agency ID:



13. Funding Office ID:



**14. Prime Contract Number:** 

1111111111111111

**15. Product/Service Code:** 



**16. Ultimate Contract Value:** 







#### SUBCONTRACTING REPORT FOR INDIVIDUAL CONTRACTS CONT'D

1. Contact Information:

2. Reporting Period From Inception of Contract Thru::

Sept 30

a. Year:

2021

3. Type of Report:

regular

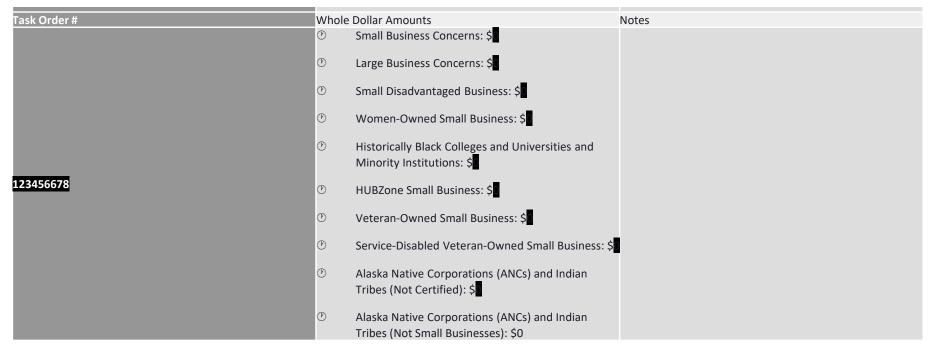
4. Agency Awarding Contract:

5. Report Submitted As:

Prime Contractor – CO reviews ISR

Subcontractor – next higher tier reviews ISR

SUBCONTRACT AWARDS: Taskorders





#### SUBCONTRACT AWARDS

## Verify Amounts w/ Subcontracting Plan

Dollars and Percentages in the Following Blocks::
 Does Not Include Indirect Dollars - If the approved Individ

ts were included in the dollars and percentage goals?

	GOALS Current Goal:				AWARDS Actual Cumulative:		
	Whole Dollars	Percentage of Total Subcontract Awards	Percentage of Total Contract Value	Whole Dollars	Percentage of Total Subcontract Awards	Percentage of Current Contract Value	
2a. SMALL BUSINESS CONCERNS	40,041,880	22,8	0	302,627,915	35.2	0	
26. LARGE BUSINESS CONCERNS	135,407,323	N/A	N/A	557,367,676	64.8	0	
2c. TOTAL	175,449,203 100		0	859,995,591	100	0	
	Current Goal:			Actual Cumulative:			
	Whole Dollars	Percentage of Total Subcontract Awards	Percentage of Total Contract Value	Whole Dollars	Percentage of Total Subcontract Awards	Percentage of Current Contract Value	
3. SMALL DISADVANTAGED BUSINESS (SDB) CONCERNS	2,022,317	1.2	0	38,178,264	4.4	0	
1. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS	2,022,317	1.2	0	25,682,770	3	0	
5. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI)  This field is required only for NASA contracts that were awarded on or after November 14, 2014.	0	0	This Column used only if subk plan also	0	0	This Column used only if subk plan also	
6. HUBZone SMALL BUSINESS (HUBZone SB) CONCERNS	1,213,390	0.6	based goals on TCV	4,148,653	0.5	based goals on TCV	
7. VETERAN-OWNED SMALL BUSINESS CONCERNS	1,213,390	0.6		55,988,349	6.5		
8. SERVICE-DISABLED /ETERAN-OWNED SMALL BUSINESS CONCERNS	1,213,390	0.6	0	5,133,070	0.6	0	
9, ALASKA NATIVE CORPORATIONS (ANC:) AND INDIAN TRIBES THAT HAVE NOT REEN CEPTIEIEN BY THE	0	0	(a)	ñ	n	'n	



Determine goal achievement by comparing percentage goal to percentage actual

**4.** Which method do you use to collect subcontracting data for this report? : commitment basis or payment basis

#### 5. Certification:

This is a testament that the data being submitted on the report is accurate and that the dollars and percentages reported do not include lower tier subcontracts (except as set forth for ANC and Indian Tribes for more information visit <a href="http://www.arnet.gov/far/facframe.html">http://www.arnet.gov/far/facframe.html</a> see FAC 05-019). If "No" is selected the report will be "Rejected" Yes

#### 6. Remarks:

If you entered (0) zero in the small business section of this report or failed to meet the dollar or percentage goals in the Individual Subcontracting Plan, use this section to explain the reason for any shortfalls and your future plan of action. You may also enter explanations and/or comments you think will be helpful to the Government official who reviews this report.

Goals are based on SB Plan dated 8-10-2017, in Option Year 4

Two delivery orders released against the prime contract. We have exceeded all goals except for the HUBZone goal. Planned HUBZone contractor could not perform work due to the current workload. Working to identify alternative HUBZone contractor. Reached out to HUBZone Council who had three sources and we have reached out to them.

7. Contractor's Subcontracting Plan Administrator

This is the name and contact information of the Contractor's employee who is responsible for ensuring the contractor's compliance with its subcontracting plan.

a. Contractors Official who Administers this Subcontracting Plan:

0000000000

b. Phone Number of Individual who Administers this Subcontracting Plan:

c. E-mail address of Individual who Administers this Subcontracting Plan:

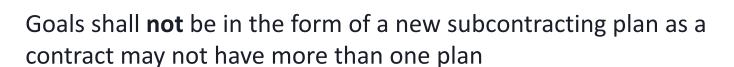
8. Please enter the email address of the Government employee(s) and/or other person(s) to be notified that you have submitted this report:

By listing an e-mail address, a notification will be sent to listed parties advising them that a subcontracting report has been submitted in eSRS for the Government's review. The Federal Government Agency will not be notified via email unless you enter a notification e-mail address.



# Order Level Goals

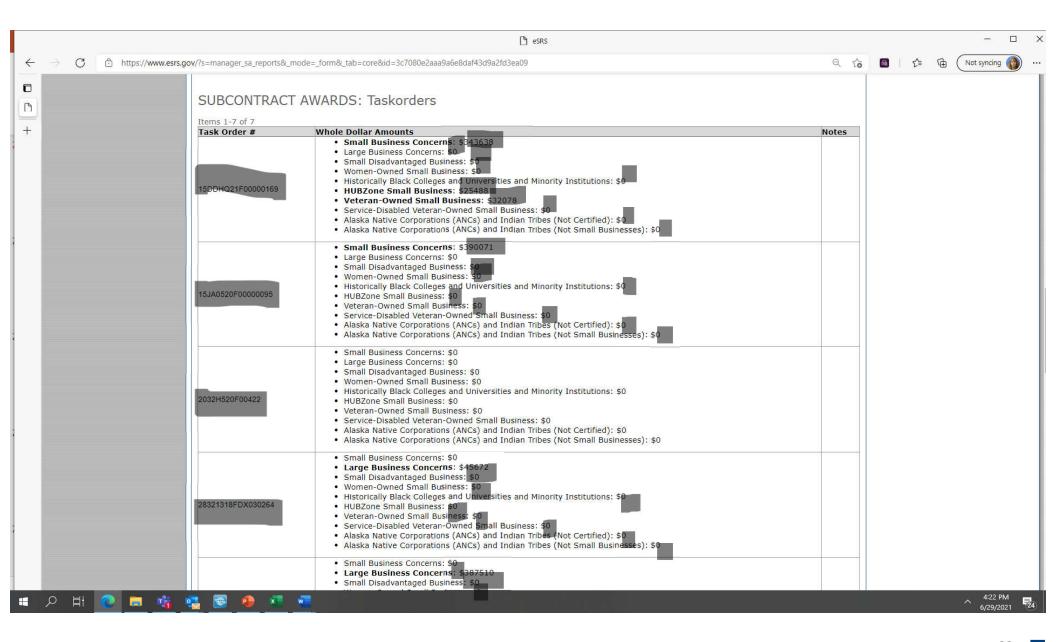
A contracting officer may establish separate subcontracting goals for each order under an indefinite-delivery, indefinite-quantity contract (FAR 19.705-1(b)(2))



eSRS has been expanded to allow contractors to input achievements for orders (see 13 CFR 125.3(h) and FAR 52.219-9(d)(10)(iii))



# Screen shot of agency view of order-level report in eSRS





# **Multiple Award IDIQ Contracts**

Order Level Achievements are entered on the overarching contract's ISR Report, on a sub-tier report.

When the ISR is submitted, it is accepted or rejected by the Contracting Officer for the overarching contract.

If this is a mutli-agency multiple award, IDIQ contract, and an outside agency placed the order, they cannot view the contractor's your order level achievements.

Recommend contractor convey its achievements to the order-level Contracting Officer directly in another manner

• Progress report, screen shot of what was input in eSRS





# Summary Subcontract Report (SSR)

#### SUMMARY SUBCONTRACT REPORT

1. Status:
Accepted
·
2. Type of Plan:
individual
3. Unique Entity ID (DUNS):
4 11 : 5 :: 55 (644)
4. Unique Entity ID (SAM):
5. Corporation, Company or Subdivision Covered
a. Vendor Name:
b. Vendor Physical Address:
Street Address:
City:
•
State:
Zip+4:
Country
Country:
United States
c. Vendor Mailing Address
Street Address:



#### 6. Date Submitted:

October 28, 2021

#### 7. Contact Information:

#### 8. Reporting Period::

Oct 1 - Sept 30

a. Year:

2021

#### 9. Agency to which the report is being submitted:

DEPT OF DEFENSE (9700)

#### 10. Report Submitted As:

both

#### 11. Contractor's Major Products or Service Lines

This reflects the description of the two major products and/or services, and the NAICS codes for the product/services lines under the approved subcontracting plan that the contractor provides to the agency for which this report is being submitted to.

#### a. Product or Service #1:

Professional Engineering Services

#### i. NAICS Code # 1:

click <u>here</u> for description of NAICS codes 541330



eSRS	× https://www.esrs.gov/d	ocument x   +		
	tps://www.esrs.gov/index.php?_mode=_	reports&class=f295&id	=step3	
Y Year-End SDB  SDB Participation	CUMULATIVE FISCAL  Theip (2 items)	YEAR SUBCO	NTRACT AW	ARDS
Contractors  Contacts  Agencies  Organizations  Contacts  Contacts	1a. SMALL BUSINESS CONCERNS  1b. LARGE BUSINESS CONCERNS	Whole Dollars	Percent	LB + SB = TOTAL
Contacts Contracts Reporting Tools	1c. TOTAL		100	
☑ Email Manager ☐ Picklist Manager	(1 items)	Whole Dollars	Percent	
★ System Settings     ⊙ Event Log     Roles	2. SMALL DISADVANTAGED BUSINESS (SDB) CONCERNS	*	rateat	
Help Usage Stats	3. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS	80		Socioeconomic
My Account	4. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) * This field is not required for DoD and Coast Guard contracts.	36		subcontracts \$\$ are divided into total (1c),
	5. HUBZone SMALL BUSINESS (HUBZone SB) CONCERNS	*		not SB (1a)
	6. VETERAN-OWNED SMALL BUSINESS CONCERNS	*		
	7. SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS	joe .		
	8. ALASKA NATIVE CORPORATIONS (ANCs) AND INDIAN TRIBES THAT HAVE NOT BEEN CERTIFIED BY THE SMALL BUSINESS ADMINISTRATION AS SMALL DISADVANTAGED BUSINESSES	*		
	9. ALASKA NATIVE CORPORATIONS (ANCS) AND INDIAN TRIBES THAT ARE NOT SMALL BUSINESSES	Sc		

#### 10. Remarks:

If you entered (0) zero in the small business section of this report or failed to meet the dollar or percentage goals in the Commercial Subcontracting Plan, use this section to explain the reason for any shortfalls and your future plan of action. You may also enter explanations and/or comments you think will be helpful to the Government official who reviews this report.

This SSR includes the following contracts and subcontracts:

#### 11. Contractors Official Who Administers Subcontracting Program

This is the name and contact information (telephone number and email address) for the individual who administers the contractor's Small Business Subcontracting Program.

#### a. Name:

#### b. Title:

Small Business Liaison Officer

#### c. Phone Number:

#### 12. Certification:

This is a testament that the data being submitted on the report is accurate and that the dollars and percentages reported do not include lower tier subcontracts (except as set forth for ANC and Indian Tribes for more information review FAC-2005-019). If "No" is selected the report will be "Rejected" Yes

#### 13. Chief Executive Officer(CEO)

This is the full name and title of the CEO (if you do not use the title CEO this is the most Senior Executive in your organization) for the company submitting this report. **No delegation of authority is accepted.** 

#### a. Name:

#### b. Title:

Chief Executive Officer

#### c. Date:

October 31, 2021

#### 14. CEO Approval:

This is a self-certification that the individual whom is listed as the CEO on this report will sign a paper print-out of this report and keep it on file. Yes

## 15. Please enter the email address of the Government employee(s) and/or other person(s) to be notified that you have submitted this report.:

By listing an e-mail address, a notification will be sent to listed parties advising them that a subcontracting report has been submitted in eSRS for the Government's review. The Federal Government Agency will not be notified via email unless you enter a notification e-mail address.





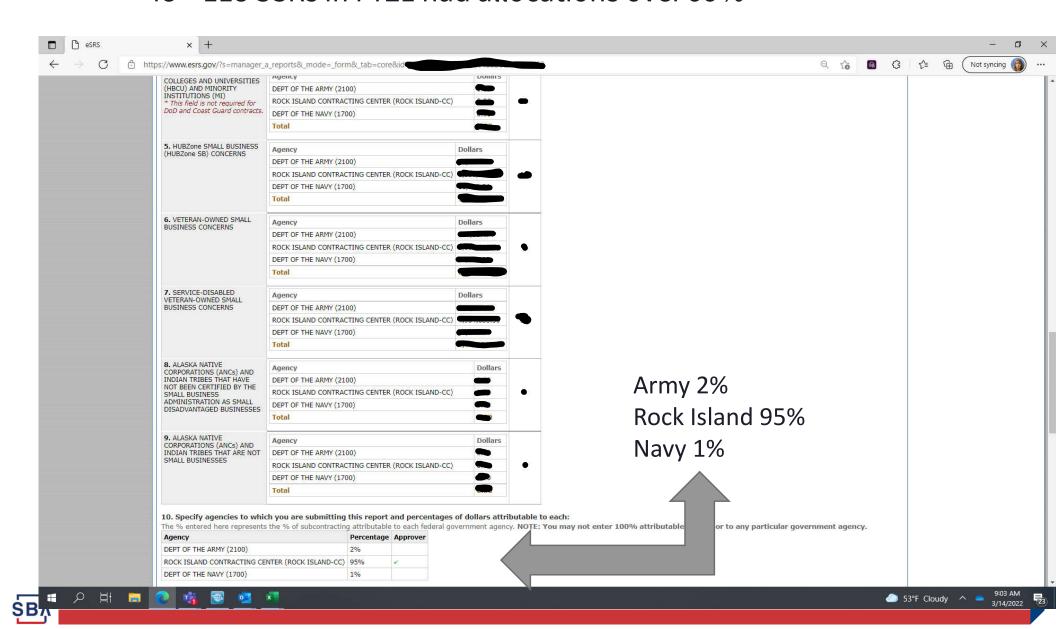


# eSRS Rules and Tips

# **Commercial Plan Allocation**

Red Flag – really high commercial plan allocations

ie – 118 SSRs in FY21 had allocations over 99%



# **DOD SSRs (for Individual Plans)**

All SSRs (for Individual Plans) should be submitted to DOD (9700) – even if the contract is with one of DOD's sub-tier agencies

#### DFARS 252.219-7003(f)(i) and (ii):

- (i) The ISR shall be submitted to the contracting officer at the procuring contracting office, even when contract administration has been delegated to the Defense Contract Management Agency.
- (ii) Submit the consolidated SSR for an individual subcontracting plan to the "Department of Defense."

#### FAR 52.219-9(I)(2)(C) - SSRs:

For DoD, a consolidated report shall be submitted for all contracts awarded by military departments/agencies and/or subcontracts awarded by DoD prime contractors.



# **SSR CEO Signature**

**CEO Signature on SSR** 

#### 14. Chief Executive Officer(CEO)

This is the full name and title of the CEO (if you do not use the title CEO this is the most Senior Executive in your organization) for the company submitting this report. No delegation of authority is accepted.

#### a. Name:

b. Title:



November 12, 2021

#### 15. CEO Approval:

This is a self-certification that the individual whom is listed as the CEO on this report will sign a paper print-out of this report and keep it on file.

Yes



# Importance of the REMARKS Block

#### **ISR**

- To explain goal shortfalls
- To explain circumstances
  - which orders have order-level goals, merger information
- To explain good faith efforts & action plan to meet goals by contract's end
- To explain contract information that should be noted/part of record

#### SSR

If contractor files an individual plan SSR that encompasses the DUNS/UEI numbers of several entities, it is helpful if they list these entities in the Remarks block



# How Do I Know Whether to Accept or Reject an ISR/SSR?

#### **ISR**

- Do goals match what is in the subcontracting plan
- Do achievements seem realistic based on what you know about the contract
- Do the remarks adequately explain any goal shortfalls
- Are all percentages less than 100%

#### **SSR**

- Commercial Plan (Contracting Officer that approved that year's commercial plan is accepting or rejecting it)
  - Do the allocations seem reasonable
  - Do the remarks explain any abnormalities or very low subcontracting achievements to any category
  - Is it igned by CEO (most senior executive at facility)



## SSR and the SBA SCORECARD

- Only "Accepted" SSRs are credited to the SBA Scorecard
- Attend to PENDING reports, but also follow up on any ISR/SSR that is:
  - REVISED
  - REJECTED
  - REOPENED

- RUN Reports in eSRS to find RED FLAGS before SBA's deadline
  - Sort by allocation
  - Sort by SB spend
  - Sort by SB percentage
  - Sort by plan type



# **Agency Credit on Multiple Award IDIQ contracts**

#### 13 CFR 125.3(h) states:

Multiple award contracts (MAC)
(1) Except where a prime contractor has a commercial plan, the contracting officer shall require a subcontracting plan for each multiple award indefinite delivery, indefinite quantity contract (including Multiple Award Schedule), where the estimated value of the contract exceeds the subcontracting plan thresholds in paragraph (a) of this section and the contract has subcontracting opportunities.

(2) Contractors shall submit small business subcontracting reports for

individual orders to the contracting agency on an annual basis.

(3) The agency funding the order shall receive credit towards its small business subcontracting goals. More than one agency may not receive credit towards its subcontracting goals for a particular subcontract.

(4) The agency funding the order may in its discretion establish small business subcontracting goals for individual orders, blanket purchase

agreements or basic ordering agreements.

- "Credit" refers to the agency getting credit on its SBA Scorecard, which comes through the SSR report
- For the agency to get credit, on a multi-agency use IDIQ MAC, the contractor must count the subcontract on the SSR for the ordering agency



# Liquidated Damages

# **Imposition of Liquidation Damages**

FAR 19.705-7, FAR 19.705-8 & 13 CFR 125.3 (f)(5)

Liquidated Damages are assessed in accordance with FAR 19.705-7 "Compliance with the Subcontracting Plan" and FAR Clause 52.219-16.

- At completion of the basic contract (or for a commercial plan, at the close of the fiscal year for which the plan is applicable), the CO shall:
  - Review all available information for an indication that the contractor has not made a good faith effort to comply with the plan, which includes meeting its subcontracting goals
    - (ISR/SSR should be documented all along)
  - Give the contractor written notice specifying the material breach, which may be included in the contractor's past performance information,
  - Advise the contractor of the possibility that the contractor may have to pay to the Government liquidated damages,
  - Provide a period of 15 working days to respond
  - Issue a final decision to the contractor
    - Require the payment of liquidated damages (state amount)
    - State right to appeal under contract's Disputes clause

CO has the sole discretion to impose Liquidation Damages.

SBA CMRs can provide written recommendation to CO
for further disposition.

**Questions?** 

Thank you for participating in this training!

