

(202) 622-6090; concerning submissions of comments, the hearing, and/or to be placed on the building access list to attend the hearing LaNita Van Dyke (202) 622-7180 (not toll free numbers).

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is the notice of proposed regulations (REG-152914-04) that was published in the **Federal Register** on Friday, January 28, 2005 (70 FR 4058).

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing that submitted written comments by April 28, 2005, must submit an outline of the topics to be discussed and the amount of time to be devoted to each topic (signed original and eight (8) copies).

A period of 10 minutes is allotted to each person for presenting oral comments.

After the deadline for receiving outlines has passed, the IRS will prepare an agenda containing the schedule of speakers. Copies of the agenda will be made available, free of charge, at the hearing.

Because of access restrictions, the IRS will not admit visitors beyond the immediate entrance area more than 30 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this document.

**Cynthia E. Grigsby,**

*Acting Chief, Publications and Regulations Branch, Associate Chief Counsel, Legal Processing Division (Procedures and Administration).*

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**BILLING CODE 4830-01-P**

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 19, 52, and 53

[FAR Case 2004-017]

RIN: 9000-AK18

#### Federal Acquisition Regulation; Small Business Credit for Alaskan Native Corporations and Indian Tribes

**AGENCIES:** Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Proposed rule.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to implement section 702 of Public Law 107-117, as amended by section 3003 of Public Law 107-206 (43 U.S.C. 1626). The law permits subcontracts awarded to certain Alaskan Native Corporations (ANCs) to be counted towards a contractor's goals for subcontracting with small business (SB) and small disadvantaged business (SDB) concerns. The law also permits Indian tribes to be counted towards a contractor's goal for subcontracting with SB.

**DATES:** Interested parties should submit comments in writing on or before August 2, 2005 to be considered in the formulation of a final rule.

**ADDRESSES:** Submit comments identified by FAR case 2004-017 by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Agency Web Site: <http://www.acqnet.gov/far/ProposedRules/proposed.htm>. Click on the FAR case number to submit comments.
- E-mail: [farcase.2004-017@gsa.gov](mailto:farcase.2004-017@gsa.gov). Include FAR case 2004-017 in the subject line of the message.
- Fax: 202-501-4067.
- Mail: General Services Administration, Regulatory Secretariat (VIR), 1800 F Street, NW., Room 4035, ATTN: Laurieann Duarte, Washington, DC 20405.

Instructions: Please submit comments only and cite FAR case 2004-017 in all correspondence related to this case. All comments received will be posted without change to <http://www.acqnet.gov/far/ProposedRules/proposed.htm>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** The FAR Secretariat at (202) 501-4755 for information pertaining to status or publication schedules. For clarification of content, contact Ms. Rhonda Cundiff, Procurement Analyst, at (202) 501-0044. Please cite FAR case 2004-017.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 702 of Public Law 107-117, as amended by section 3003 of Public Law 107-206, provides that subcontracts awarded to Alaskan Native Corporations (ANC) that are considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C.

1626(e)(1), and any of its direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2), shall be counted towards the satisfaction of a contractor's goal for subcontracting with SB and SDB concerns. The law also provides that subcontracts awarded to Indian tribes may be counted towards the satisfaction of a contractor's goal for subcontracting with SB concerns. Such credit is taken even where the ANC or Indian tribe may be "other than small" under the Small Business Administration (SBA) regulations.

In addition, section 3003 provides that "where lower tier subcontracts exist, the ANC or Indian tribe shall designate the appropriate contractor or contractors to receive credit towards their small or small disadvantaged business subcontracting goals." Accordingly, the rule requires that, where one or more subcontractors are in the subcontract tier between the prime contractor and the ANC or Indian tribe, the ANC or Indian tribe shall designate the appropriate contractor to count the subcontract towards its small business and/or small disadvantaged subcontracting goals. In most cases, the appropriate contractor is the contractor that awarded the subcontract to the ANC or Indian tribe. Therefore, the revision includes a requirement that the ANC or Indian tribe give a copy of the designation to the contracting officer, the prime contractor, and the subcontractors in between. The Councils invite industry to comment on the feasibility of this approach and any alternatives for complying with the law.

The law does not provide for such an ANC and any of its direct and indirect subsidiary corporations, joint ventures, and partnerships to be eligible for SDB or 8(a) certification unless the entity otherwise meets the requirements for certification under 15 U.S.C. 637. Similarly, the law does not provide for contractors to count subcontracts awarded to such an entity toward the evaluation of the extent of the participation of SDB concerns in the performance of certain North American Industry Classification System (NAICS) Industry codes unless the entity is certified as an SDB by SBA (FAR Subpart 19.12). The FAR is being amended to implement these changes to 43 U.S.C. 1626.

The specific changes are as follows:

- FAR 19.701 and the clause at 52.219-9 are amended to add definitions for ANC and Indian tribes consistent with 43 U.S.C. 1601, *et seq.*, and 25 U.S.C. 1452, respectively.

- FAR 19.703 is amended to add paragraph (c). Paragraph (1)(i) authorizes contractors to count awards to ANCs towards the satisfaction of the contractor's SB and SDB goals regardless of the size status of the ANC, and to provide for the ANC to designate which contractor is to receive the credit; and paragraph (c)(1)(ii) authorizes contractors to count awards to Indian tribes towards the satisfaction of the contractor's SB goals, regardless of the size status of the Indian tribe.

Paragraph (c)(1)(iii) is added to provide that where one or more subcontractors are in the subcontract tier between the prime contractor and the ANC or Indian tribe, the ANC or Indian tribe shall designate the appropriate contractor to count the subcontract towards its small business and/or small disadvantaged subcontracting goals. In most cases, the appropriate contractor is the contractor that awarded the subcontract to the ANC or Indian tribe. Paragraph (d)(2) is added to provide that a contractor acting in good faith may rely on the written representation of an ANC or Indian tribe as to eligibility and incorporates the procedures at 26.103(b) through (e) in the event of a challenge of such a representation.

- FAR 19.704, the clause at 52.219–9, and the instructions for the SF 294, "Subcontracting Report for Individual Contracts," and SF 295, "Summary Subcontract Report," are amended to permit subcontracts awarded to certain ANCs to be counted towards the satisfaction of a contractor's goal for subcontracting with SB and SDB concerns, and to permit subcontracts awarded to Indian tribes to be counted towards the satisfaction of a contractor's goal for subcontracting with SB concerns.

- FAR 19.704 and the clause at 52.219–9 are amended to provide where one or more subcontractors are in the subcontract tier between the prime contractor and the ANC or Indian tribe, the ANC or Indian tribe shall designate which subcontractor(s) or prime contractor(s) will be able to count the subcontract towards its small business and small disadvantaged subcontracting goals.

- The clause at 52.219–9(j)(2) stipulates that awards to ANCs that are not certified SDBs may not be counted towards the evaluation of the extent of participation of SDB concerns in the performance of contracts in the NAICS Industry Subsectors.

- The instructions for the SF 294 and SF 295 are revised to include a cross-reference to the FAR 19.703 eligibility requirements for participation in the

small business subcontracting program; to incorporate administrative corrections to ensure consistency in reporting of goals and actual performance; and for technical edits.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

## B. Regulatory Flexibility Act

The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the law allows other than small business Federal contractors to receive SDB and/or SB subcontract credit for subcontracts awarded to Indian tribes and ANCs, regardless of whether they are SB, SBA-certified SDBs, or certified 8(a) firms. SBs and certified SDBs may be adversely impacted to the extent that there are Indian tribes or ANCs that are large businesses and may now be more likely to be used as subcontractors or suppliers on Federal contracts. It is estimated that there are 562 Indian tribes and ANCs. Information was not available on the number of these entities that were large business, SB, or SDB. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared and will be provided to the Chief Counsel for Advocacy for the Small Business Administration. The analysis is summarized as follows:

This proposed rule revises the Federal Acquisition Regulation in order to comply with 43 U.S.C. 1626 which allows other than small business Federal contractors to receive small business (SB) subcontracting credit for subcontracts awarded to Indian tribes, regardless of whether they are small business. Additionally, the law allows other than small business Federal contractors to receive small business and small disadvantaged business (SDB) subcontracting credit for subcontracts awarded to Alaskan Native Corporations (ANCs) which are considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1) and any of its direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2), regardless of whether they are small businesses, SBA-certified SDBs, or certified 8(a) firms.

This proposed rule implements section 702 of the 2002 Department of Defense Supplemental Appropriation, as amended by section 3003 of the 2002 Supplemental Appropriations for Further Recovery From and Response To Terrorist Attacks on the United States. The objective of the statute is to encourage large business contractors to

utilize ANCs and Indian tribes as subcontractors and suppliers on Federal contracts.

The changes may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the law allows other than small business Federal contractors to receive small disadvantaged business and/or small business subcontract credit for subcontracts awarded to Indian tribes and ANCs. The rule will impose no new reporting or recordkeeping requirements on small entities.

A copy of the IRFA may be obtained from the FAR Secretariat. The Councils will consider comments from small entities concerning the affected FAR parts 19, 52, and 53 in accordance with 5 U.S.C. 610. Comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2004–017), in correspondence.

## C. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 104–13) applies because the proposed rule contains information collection requirements. Accordingly, the FAR Secretariat has submitted a request for approval of a revision to the information collection requirements of OMB Control Numbers 9000–0006, Subcontracting Plans/Subcontracting Report for Individual Contracts (SF 294), and 9000–0007, Summary Subcontract Report (SF 295), to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Public comments concerning these requests will be invited through subsequent **Federal Register** notices.

### *Annual Reporting Burden:*

Public reporting burden for this collection of information is estimated to average 11 hours per response for 9000–0006, and 16.2 hours per response for 9000–0007, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The annual reporting burden is estimated as follows:

*9000–0006 (Current Annual Reporting and Recordkeeping):*

*Respondents:* 4,253.

*Responses per respondent:* 3.44.

*Total annual responses:* 14,622.

*Average burden hours per response:* 50.52.

*Total response burden hours:* 739,225.

*9000–0006 (Proposed Annual Reporting and Recordkeeping):*

*Respondents:* 4,253.

*Responses per respondent:* 3.44.

Total annual responses: 14,631.

Average burden hours per response:

55.34.

Total response burden hours: 809,248.

Total program change is an additional 70,023 hours.

9000-0007 (Current Annual Reporting and Recordkeeping):

Respondents: 4,253.

Responses per respondent: 1.66.

Total annual responses: 7,098.

Average burden hours per response:

15.9.

Total response burden hours: 112,864.

9000-0007 (Proposed Annual Reporting and Recordkeeping):

Respondents: 4,253.

Responses per respondent: 1.75.

Total annual responses: 7,449.

Average burden hours per response:

16.2.

Total response burden hours: 120,674.

Total program change is an additional 7,810 hours.

#### D. Request for Comments Regarding Paperwork Burden

Submit comments, including suggestions for reducing this burden, not later than August 2, 2005 to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat (VIR), 1800 F Street, NW., Room 4035, Washington, DC 20405.

Public comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the FAR, and will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Requester may obtain a copy of the justifications from the General Services Administration, FAR Secretariat (VIR), Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control Numbers 9000-0006, Subcontracting Plans/Subcontracting Report for Individual Contracts (SF 294), and 9000-0007, Summary Subcontract Report (SF 295), in all correspondence.

#### List of Subjects in 48 CFR Parts 19, 52, and 53

Government procurement.

Dated: May 24, 2005.

Julia B. Wise,

Director, Contract Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR parts 19, 52, and 53 as set forth below:

1. The authority citation for 48 CFR parts 19, 52, and 53 is revised to read as follows:

**Authority:** 40 U.S.C. 121(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

#### PART 19—SMALL BUSINESS PROGRAMS

2. Amend section 19.701 by adding, in alphabetical order, the definitions "Alaskan Native Corporation (ANC)" and "Indian tribe" to read as follows:

##### 19.701 Definitions.

\* \* \* \* \*

*Alaskan Native Corporation (ANC)* means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*), and which is considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1). This definition also includes ANC direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2).

\* \* \* \* \*

*Indian tribe* means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, *et seq.*), that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452(c).

\* \* \* \* \*

3. Amend section 19.703 in the introductory text of paragraph (a) by removing "To" and adding "Except as provided in paragraph (c) of this section, to"; and adding paragraph (c) to read as follows:

##### 19.703 Eligibility requirements for participating in the program.

\* \* \* \* \*

(c)(1) In accordance with 43 U.S.C. 1626, the following procedures apply:

(i) Subcontracts awarded to an ANC shall be counted towards the designated contractor's subcontracting goals for small business and small disadvantaged business (SDB) concerns, regardless of the size status of the ANC.

(ii) Subcontracts awarded to an Indian tribe shall be counted towards the designated contractor's subcontracting goal for small business, regardless of the size status of the Indian tribe.

(iii) Where one or more subcontractors are in the subcontract tier between the prime contractor and the ANC or Indian tribe, the ANC or Indian tribe shall designate the appropriate contractor to count the subcontract towards its small business and/or small disadvantaged subcontracting goals. In most cases, the appropriate contractor is the contractor that awarded the subcontract to the ANC or Indian tribe. The ANC or Indian tribe will give a copy of the designation to the contracting officer, the prime contractor, and the subcontractors in between.

(2) A contractor acting in good faith may rely on the written representation of an ANC or an Indian tribe as to eligibility unless an interested party challenges its status or the contracting officer has independent reason to question its status. In the event of a challenge of a representation of an ANC or Indian tribe, the interested parties shall follow the procedures at 26.103(b) through (e).

4. Amend section 19.704 by revising paragraphs (a)(1), (a)(2), (a)(3), and (a)(6) to read as follows:

##### 19.704 Subcontracting plan requirements.

(a) \* \* \*

(1) Separate percentage goals for using small business (including ANC and Indian tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business (including ANCs), and women-owned small business concerns as subcontractors;

(2) A statement of the total dollars planned to be subcontracted and a statement of the total dollars planned to be subcontracted to small business (including ANC and Indian tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business (including ANCs), and women-owned small business concerns;

(3) A description of the principal types of supplies and services to be subcontracted and an identification of types planned for subcontracting to small business (including ANC and Indian tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business

(including ANCs), and women-owned small business concerns;

\* \* \* \* \*

(6) A statement as to whether or not the offeror included indirect costs in establishing subcontracting goals, and a description of the method used to determine the proportionate share of indirect costs to be incurred with small business (including ANC and Indian tribes), veteran-owned small business, service-disabled veteran-owned small business, HUBZone small business, small disadvantaged business (including ANCs), and women-owned small business concerns;

\* \* \* \* \*

**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

5. Amend section 52.219-9 by—

a. Revising the date of the clause;

b. In paragraph (b), by adding, in alphabetical order, the definitions “Alaskan Native Corporation (ANC)” and “Indian tribe” and

c. Adding text to the end of paragraph (d)(1); and revising paragraphs (d)(2)(ii), (d)(2)(vi), and (d)(6)(i) to read as follows:

**52.219-9 Small Business Subcontracting Plan.**

\* \* \* \* \*

SMALL BUSINESS SUBCONTRACTING PLAN (DATE)

\* \* \* \* \*

(b) \* \* \*

*Alaskan Native Corporation (ANC)* means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*), and which is considered a minority and economically disadvantaged concern under the criteria at 43 U.S.C. 1626(e)(1). This definition also includes ANC direct and indirect subsidiary corporations, joint ventures, and partnerships that meet the requirements of 43 U.S.C. 1626(e)(2).

\* \* \* \* \*

*Indian tribe* means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act (43 U.S.C.A. 1601, *et seq.*), that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs in accordance with 25 U.S.C. 1452(c).

\* \* \* \* \*

(d) \* \* \*

(1) \* \* \* In accordance with 43 U.S.C. 1626, subcontracts awarded to an ANC shall be counted towards the designated Contractor’s subcontracting goals for small business and small disadvantaged business (SDB) concerns, regardless of the size status of the ANC, and subcontracts awarded to an Indian tribe shall be counted towards the designated Contractor’s subcontracting goal for small business, regardless of the size status of the Indian tribe. Where one or more subcontractors are in the subcontract tier between the prime Contractor and the ANC

or Indian tribe, the ANC or Indian tribe shall designate the appropriate Contractor to count the subcontract towards its small business and/or small disadvantaged subcontracting goals. In most cases, the appropriate Contractor is the Contractor that awarded the subcontract to the ANC or Indian tribe. The ANC or Indian tribe shall give a copy of the designation to the Contracting Officer, the prime Contractor, and the subcontractors in between.

(2) \* \* \*

(ii) Total dollars planned to be subcontracted to small business concerns (including ANC and Indian tribes);

\* \* \* \* \*

(vi) Total dollars planned to be subcontracted to small disadvantaged business concerns (including ANCs); and

\* \* \* \* \*

(6) \* \* \*

(i) Small business concerns (including ANC and Indian tribes);

\* \* \* \* \*

**PART 53—FORMS**

**53.219 [Amended]**

6. Amend section 53.219 in paragraphs (a) and (b) by removing “(Rev. 10/01)” and adding “(Rev. Date)” in their place.

7. Revise sections 53.301-294 and 53.301-295 to read as follows:

**53.301-294 Subcontracting Report for Individual Contracts.**

BILLING CODE 6820-EP-S

**SUBCONTRACTING REPORT FOR INDIVIDUAL CONTRACTS**  
*(See instructions on reverse)*

OMB No.: 9000-0006  
 Expires: 08/31/2007

Public reporting burden for this collection of information is estimated to average 9.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (VI), Regulatory and Federal Assistance Division, GSA, Washington, DC 20405.

1. CORPORATION, COMPANY OR SUBDIVISION COVERED			3. DATE SUBMITTED	
a. COMPANY NAME			4. REPORTING PERIOD FROM INCEPTION OF CONTRACT THRU: <input type="checkbox"/> MAR 31 <input type="checkbox"/> SEPT 30    YEAR	
b. STREET ADDRESS				
c. CITY	d. STATE	e. ZIP CODE		
2. CONTRACTOR IDENTIFICATION NUMBER			5. TYPE OF REPORT <input type="checkbox"/> REGULAR <input type="checkbox"/> FINAL <input type="checkbox"/> REVISED	
6. ADMINISTERING ACTIVITY <i>(Please check applicable box)</i>				
<input type="checkbox"/> ARMY	<input type="checkbox"/> GSA	<input type="checkbox"/> NASA		
<input type="checkbox"/> NAVY	<input type="checkbox"/> DOE	<input type="checkbox"/> OTHER FEDERAL AGENCY <i>(Specify)</i>		
<input type="checkbox"/> AIR FORCE	<input type="checkbox"/> DEFENSE CONTRACT MANAGEMENT AGENCY			
7. REPORT SUBMITTED AS <i>(Check one and provide appropriate number)</i>			8. AGENCY OR CONTRACTOR AWARDDING CONTRACT	
<input type="checkbox"/> PRIME CONTRACTOR	PRIME CONTRACT NUMBER	a. AGENCY'S OR CONTRACTOR'S NAME		
<input type="checkbox"/> SUBCONTRACTOR	SUBCONTRACT NUMBER	b. STREET ADDRESS		
9. DOLLARS AND PERCENTAGES IN THE FOLLOWING BLOCKS:			c. CITY	d. STATE
<input type="checkbox"/> DO INCLUDE INDIRECT COSTS	<input type="checkbox"/> DO NOT INCLUDE INDIRECT COSTS	e. ZIP CODE		

**SUBCONTRACT AWARDS**

TYPE	CURRENT GOAL		ACTUAL CUMULATIVE	
	WHOLE DOLLARS	PERCENT	WHOLE DOLLARS	PERCENT
10a. SMALL BUSINESS CONCERNS <i>(Include SDB (Including ANCs), WOSB, HBCU/MI, HUBZone SB, and VOSB (Including Service-Disabled VOSB) and Indian Tribes) (Dollar Amount and Percent)</i>				
10b. LARGE BUSINESS CONCERNS <i>(Dollar Amount and Percent of 10c.)</i>				
10c. TOTAL <i>(Sum of 10a and 10b.)</i>		100.0%		100.0%
11. SMALL DISADVANTAGED BUSINESS (SDB) CONCERNS <i>(Include ANCs and HBCU/MI) (Dollar Amount and Percent of 10c.)</i>				
12. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS <i>(Dollar Amount and Percent of 10c.)</i>				
13. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) <i>(If applicable) (Dollar Amount and Percent of 10c.)</i>				
14. HUBZone SMALL BUSINESS (HUBZone SB) CONCERNS <i>(Dollar Amount and Percent of 10c.)</i>				
15. VETERAN-OWNED SMALL BUSINESS CONCERNS <i>(Including Service-Disabled Veteran-Owned SB Concerns) (Dollar Amount and Percent of 10c.)</i>				
16. SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS <i>(Dollar Amount and Percent of 10c.)</i>				
17. ALASKA NATIVE CORPORATIONS (ANC) THAT HAVE NOT BEEN CERTIFIED BY SMALL BUSINESS ADMINISTRATION AS SMALL DISADVANTAGED BUSINESSES				
18. ALASKA NATIVE CORPORATIONS (ANC) AND INDIAN TRIBES THAT ARE NOT SMALL BUSINESSES				

19. REMARKS

DRAFT

20a. NAME OF INDIVIDUAL ADMINISTERING SUBCONTRACTING PLAN

20b. TELEPHONE NUMBER

AREA CODE

NUMBER

**GENERAL INSTRUCTIONS**

1. This report is not required from small businesses.
2. This report is not required for commercial items for which a commercial plan has been approved, nor from large businesses in the Department of Defense (DOD) Test Program for Negotiation of Comprehensive Subcontracting Plans. The Summary Subcontract Report (SF 295) is required for contractors operating under one of these two conditions and should be submitted to the Government in accordance with the instructions on that form.
3. This form collects subcontract award data from prime contractors/subcontractors that: (a) hold one or more contracts over \$500,000 (over \$1,000,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Business (SB), Small Disadvantaged Business (SDB), Women-Owned Small Business (WOSB), HUBZone Small Business (HUBZone SB), Veteran-Owned Small Business (VOSB) and Service-Disabled Veteran-Owned Small Business concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs).
4. This report is required for each contract containing a subcontracting plan and must be submitted to the administrative contracting officer (ACO) or contracting officer if no ACO is assigned, semi-annually during contract performance for the periods ended March 31st and September 30th. **A separate report is required for each contract at contract completion.** Reports are due 30 days after the close of each reporting period unless otherwise directed by the contracting officer. **Reports are required when due, regardless of whether there has been any subcontracting activity since the inception of the contract or since the previous report.**
5. Only subcontracts involving performance in the U.S. or its outlying areas should be included in this report.
6. **Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.**
7. Subcontract award data reported on this form by prime contractors/subcontractors shall be limited to awards made to their immediate subcontractors. **Credit cannot be taken for awards made to lower tier subcontractors.**
8. FAR 19.703 sets forth the eligibility requirements for participation in the subcontracting program.
9. Actual achievements must be reported on the same basis as the goals set forth in the contract. For example, if goals in the plan do not include indirect and overhead items, the achievements shown on this report should not include them either.

**SPECIFIC INSTRUCTIONS**

- DRAFT
- BLOCK 2:** For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-800-333-0505 to get one free of charge over the telephone. Be prepared to provide the following information: (1) Company name; (2) Company address; (3) Company telephone number; (4) Line of business; (5) Chief executive officer/key manager; (6) Date the company was started; (7) Number of people employed by the company; and; (8) Company affiliation.
- BLOCK 4:** Check only one. Note that all subcontract award data reported on this form represents activity since the inception of the contract through the date indicated in this block.
- BLOCK 5:** Check whether this report is a "Regular," "Final," and/or "Revised" report. **A "Final" report should be checked only if the contractor has completed the contract or subcontract reported in Block 7.** A "Revised" report is a change to a report previously submitted for the same period.
- BLOCK 6:** Identify the department or agency administering the majority of subcontracting plans.
- BLOCK 7:** Indicate whether the reporting contractor is submitting this report as a prime contractor or subcontractor and the prime contract or subcontract number.
- BLOCK 8:** Enter the name and address of the Federal department or agency awarding the contract or the prime contractor awarding the subcontract.

**BLOCK 9:** Check the appropriate block to indicate whether indirect costs are included in the dollar amounts in blocks 10a through 14. To ensure comparability between the goal and actual columns, the contractor may include indirect costs in the actual column only if the subcontracting plan included indirect costs in the goal.

**BLOCKS 10a through 18:** Under "Current Goal," enter the dollar and percent goals in each category (SB, SDB, WOSB, VOSB, service-disabled VOSBs, and HUBZone SB) from the subcontracting plan approved for this contract. (If the original goals agreed upon at contract award have been revised as a result of contract modifications, enter the original goals in Block 19, Remarks. The amounts entered in Blocks 10a through 18 should reflect the revised goals.) Under "Actual Cumulative," enter actual subcontract achievements (dollar and percent) from the inception of the contract through the date of the report shown in Block 4. However, the dollar amounts reported under "Actual Cumulative" must always be for the same period of time as the dollar amounts shown under "Current Goal." For a contract with options, the current goal should represent the aggregate goal since the inception of the contract. For example, if the contractor is submitting the report during Option 2 of a multi-year contract, the current goal would be the cumulative goal for the base period plus the goal for Option 1 and the goal for Option 2. In cases where indirect costs are included, the amounts should include both direct awards and an appropriate prorated portion of indirect awards.

**BLOCK 10a:** Report all subcontracts awarded to SBs including subcontracts to SDBs (including Alaska Native Corporations (ANC) and Indian tribes), WOSBs, VOSBs, service-disabled VOSBs, and HUBZone SBs. **For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs.**

**BLOCK 10b:** Report all subcontracts awarded to large businesses (LBs).

**BLOCK 10c:** Report on this line the total of all subcontracts awarded under this contract (the sum of lines 10a and 10b).

**BLOCKS 11 through 18:** Each of these items is a subcategory of Block 10a. **Note that in some cases the same dollars may be reported in more than one block (e. g., SDBs owned by women or veterans).**

**BLOCK 11:** Report all subcontracts awarded to SDBs (including women-owned, veteran-owned, service-disabled VOSBs, and HUBZone SB SDBs) and Alaska Native Corporation (ANC) and Indian tribes. For DOD, NASA, and Coast Guard contracts, include subcontract awards to HBCUs and MIs.

**BLOCK 12:** Report all subcontracts awarded to Women-Owned firms (including SDBs, VOSB's, service-disabled VOSBs, and HUBZone SBs owned by women).

**BLOCK 13 (For contracts with DoD, NASA, and Coast Guard):** Report all subcontracts with HBCUs/MIs. Complete the column under "Current Goal" only when the subcontracting plan establishes a goal.

**BLOCK 14:** Report all subcontracts awarded to HUBZone SBs (including women-owned, veteran-owned, service-disabled VOSBs, SDB HUBZone SBs, and Alaska Native Corporations (ANC) and Indian tribes).

**BLOCK 15:** Report all subcontracts awarded to VOSBs including service-disabled VOSBs (include VOSBs that are also SDBs, WOSBs and HUBZone SBs.).

**BLOCK 16:** Report all subcontracts awarded to service-disabled veteran-owned SB concerns that are also SDBs, WOSBs, and HUBZone SBs.

**BLOCK 17:** Report all subcontracts awarded to Alaska Native Corporations (ANC) that are reported in Block 11, but have not been certified by SBA as SDBs.

**BLOCK 18:** Report all subcontracts awarded to Alaska Native Corporations (ANC) and Indian Tribes that are reported in Block 10a, but are not small businesses.

**BLOCK 19:** Enter a short narrative explanation if (a) SB, SDB, WOSB, VOSBs, Service-Disabled VOSBs, or HUBZone SB accomplishments fall below that which would be expected using a straight-line projection of goals through the period of contract performance; or (b) if this is a final report, any one of the six goals was not met.

**DEFINITIONS**

1. Direct Subcontract Awards are those that are identified with the performance of one or more specific Government contract(s).
2. Indirect costs are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

**DISTRIBUTION OF THIS REPORT****For the Awarding Agency or Contractor:**

The original copy of this report should be provided to the contracting officer at the agency or contractor identified in Block 8. For contracts with DOD, a copy should also be provided to the Defense Contract Management Agency (DCMA) at the cognizant Defense Contract Management Area Operations (DCMAO) office.

**For the Small Business Administration (SBA):**

A copy of this report must be provided to the cognizant Commercial Market Representative (CMR) at the time of a compliance review. It is NOT necessary to mail the SF 294 to SBA unless specifically requested by the CMR.

DRAFT



**SUMMARY SUBCONTRACT REPORT**  
*(See instructions on reverse)*

OMB No.: 9000-0007  
Expires: 10/31/2006

Public reporting burden for this collection of information is estimated to average 15.9 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (VI), Regulatory and Federal Assistance Division, GSA, Washington, DC 20405.

1. CORPORATION, COMPANY OR SUBDIVISION COVERED			3. DATE SUBMITTED	
a. COMPANY NAME				
b. STREET ADDRESS			4. REPORTING PERIOD:	
c. CITY		d. STATE	e. ZIP CODE	<input type="checkbox"/> OCT 1 - MAR 31 <input type="checkbox"/> OCT 1 - SEPT 30                 YEAR
2. CONTRACTOR IDENTIFICATION NUMBER			5. TYPE OF REPORT	
			<input type="checkbox"/> REGULAR <input type="checkbox"/> FINAL <input type="checkbox"/> REVISED	

6. ADMINISTERING ACTIVITY <i>(Please check applicable box)</i>			
ARMY	DEFENSE CONTRACT MANAGEMENT AGENCY	DOE	
NAVY	NASA	OTHER FEDERAL AGENCY <i>(Specify)</i>	
AIR FORCE	GSA		

7. REPORT SUBMITTED AS <i>(Check one)</i>		8. TYPE OF PLAN	
PRIME CONTRACTOR	INDIVIDUAL	IF PLAN IS A COMMERCIAL PLAN, SPECIFY THE PERCENTAGE OF THE DOLLARS ON THIS REPORT ATTRIBUTABLE TO THIS AGENCY.	
SUBCONTRACTOR	COMMERCIAL PRODUCTS		
BOTH			

9. CONTRACTOR'S MAJOR PRODUCTS OR SERVICE LINES	
a	b

**CUMULATIVE FISCAL YEAR SUBCONTRACT AWARDS *(Report cumulative figures for reporting period in Block 4)***

TYPE	WHOLE DOLLARS	PERCENT (To nearest tenth of a %)
10a. SMALL BUSINESS CONCERNS <i>(Include SDB (including ANC), WOSB, HBCU/MI, HUBZone SB, and VOSB (including Service-Disabled VOSB), and Indian tribes) (Dollar Amount and Percent of 10c.)</i>		
10b. LARGE BUSINESS CONCERNS <i>(Dollar Amount and Percent of 10c.)</i>		
10c. TOTAL <i>(Sum of 10a and 10b.)</i>		100.0%
11. SMALL DISADVANTAGED BUSINESS (SDB) CONCERNS <i>(Include ANCs and HBCU/MI) (Dollar Amount and Percent of 10c.)</i>		
12. WOMEN-OWNED SMALL BUSINESS (WOSB) CONCERNS <i>(Dollar Amount and Percent of 10c.)</i>		
13. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) AND MINORITY INSTITUTIONS (MI) <i>(If applicable) (Dollar Amount and Percent of 10c.)</i>		
14. HUBZONE SMALL BUSINESS (HUBZone SB) CONCERNS <i>(Dollar Amount and Percent of 10c.)</i>		
15. VETERAN-OWNED SMALL BUSINESS (VOSB) CONCERNS <i>(Including Service-Disabled VOSB Concerns) (Dollar Amount and Percent of 10c.)</i>		
16. SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS CONCERNS <i>(Dollar Amount and Percent of 10c.)</i>		
17. ALASKA NATIVE CORPORATION (ANC) AND INDIAN TRIBES THAT HAVE NOT BEEN CERTIFIED BY SMALL BUSINESS ADMINISTRATION AS SMALL DISADVANTAGED BUSINESSES		
18. ALASKA NATIVE CORPORATION (ANC) AND INDIAN TRIBES THAT ARE NOT SMALL BUSINESSES		

19. CONTRACTOR'S OFFICIAL WHO ADMINISTERS SUBCONTRACTING PROGRAM		
a. NAME	b. TITLE	c. TELEPHONE NUMBER
		AREA CODE NUMBER

20. REMARKS

DRAFT

21. CHIEF EXECUTIVE OFFICER

a. NAME

c. SIGNATURE

b. TITLE

d. DATE

## GENERAL INSTRUCTIONS

1. This report is not required from small businesses.
2. This form collects subcontract award data from prime contractors/subcontractors that: (a) hold one or more contracts over \$500,000 (over \$1,000,000 for construction of a public facility); and (b) are required to report subcontracts awarded to Small Business (SB), Small Disadvantaged Business (SDB), Women-Owned Small Business (WOSB), Veteran-Owned Small Business (VOSB), Service-Disabled Veteran-Owned Small Business, and HUBZone Small Business (HUBZone SB) concerns under a subcontracting plan. For the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the Coast Guard, this form also collects subcontract award data for Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs).
3. This report must be submitted semi-annually (for the six months ended March 31st and the twelve months ended September 30th) for contracts with the Department of Defense (DOD) and annually (for the twelve months ended September 30th) for contracts with civilian agencies, except for contracts covered by an approved Commercial Plan (see special instructions in right-hand column). Reports are due 30 days after the close of each reporting period.
4. This report may be submitted on a corporate, company, or subdivision (e.g., plant or division operating on a separate profit center) basis, unless otherwise directed by the agency awarding the contract.
5. If a prime contractor/subcontractor is performing work for more than one Federal agency, a separate report shall be submitted to each agency covering only that agency's contracts, provided at least one of that agency's contracts is over \$500,000 (over \$1,000,000 for construction of a public facility) and contains a subcontracting plan. (Note that DOD is considered to be a single agency; see next instruction.)
6. For DOD, a consolidated report should be submitted for all contracts awarded by military departments/agencies and/or subcontracts awarded by DOD prime contractors. However, DOD contractors involved in construction and related maintenance and repair must submit a separate report for each DOD component.
7. Only subcontracts involving performance in the U.S. or its outlying areas should be included in this report.
8. Purchases from a corporation, company, or subdivision that is an affiliate of the prime/subcontractor are not included in this report.
9. Subcontract award data reported on this form by prime contractors/subcontractors shall be limited to awards made to their immediate subcontractors. Credit cannot be taken for awards made to lower tier subcontractors.
10. FAR 19.703 sets forth the eligibility requirements for participation in the subcontracting program.
11. See special instructions in right-hand column for Commercial Plans.

## SPECIFIC INSTRUCTIONS

**BLOCK 2:** For the Contractor Identification Number, enter the nine-digit Data Universal Numbering System (DUNS) number that identifies the specific contractor establishment. If there is no DUNS number available that identifies the exact name and address entered in Block 1, contact Dun and Bradstreet Information Services at 1-800-333-0505 to get one free of charge over the telephone. Be prepared to provide the following information: (1) Company name; (2) Company address; (3) Company telephone number; (4) Line of business; (5) Chief executive officer/key manager; (6) Date the company was started; (7) Number of people employed by the company; and (8) Company affiliation.

**BLOCK 4:** Check only one. Note that March 31 represents the six months from October 1st and that September 30th represents the twelve months from October 1st. Enter the year of the reporting period.

**BLOCK 5:** Check whether this report is a "Regular," "Final," and/or "Revised" report. A "Final" report should be checked only if the contractor has completed all the contracts containing subcontracting plans awarded by the agency to which it is reporting. A "Revised" report is a change to a report previously submitted for the same period.

**BLOCK 6:** Identify the department or agency administering the majority of subcontracting plans.

**BLOCK 7:** This report encompasses all contracts with the Federal Government for the agency to which it is submitted, including subcontracts received from other large businesses that have contracts with the same agency. Indicate in this block whether the contractor is a prime contractor, subcontractor, or both (check only one).

**BLOCK 8:** Check only one. Check "Commercial Plan" only if this report is under an approved Commercial Plan. For a Commercial Plan, the contractor must specify the percentage of dollars in Blocks 10a through 15b attributable to the agency to which this report is being submitted.

**BLOCK 9:** Identify the major product or service lines of the reporting organization.

**BLOCKS 10a through 18:** These entries must include all subcontract awards resulting from contracts or subcontracts, regardless of dollar amount, received from the agency to which this report is submitted. If reporting as a subcontractor, report all subcontracts awarded under prime contracts. Amounts must include both direct awards and an appropriate prorated portion of indirect awards. (The indirect portion is based on the percentage of work being performed for the organization to which thereport is being submitted in relation to other work being performed by the prime contractor/subcontractor.) Do not include awards made

in support of commercial business unless "Commercial" is checked in Block 8 (see Special Instructions for Commercial Plans in right hand column). Report only those dollars subcontracted this fiscal year for the period indicated in Block 4.

**BLOCK 10a:** Report all subcontracts awarded to SBs including subcontracts to SDBs (including ANCs and Indian tribes), WOSBs, VOSBs, Service-Disabled VOSBs, and HUBZone SBs. For DOD, NASA, and Coast Guard contracts, include subcontracting awards to HBCUs and MIs.

**BLOCK 10b:** Report all subcontracts awarded to large businesses (LBs).

**BLOCK 10c:** Report on this line the grand total of all subcontracts (the sum of lines 10a and 10b).

**BLOCKS 11 through 17:** Each of these items is a subcategory of Block 10a. Note that in some cases the same dollars may be reported in more than one block (e.g., SDBs owned by women); likewise subcontracts to HBCUs or MIs should be reported on both Block 11 and 13.

**BLOCK 11:** Report all subcontracts awarded to SDBs (including women-owned, veteran-owned, service-disabled VOSBs, and HUBZone SB SDBs) and Alaska Native Corporations (ANC) and Indian tribes. For DOD, NASA, and Coast Guard contracts, include subcontract awards to HBCUs and MIs.

**BLOCK 12:** Report all subcontracts awarded to WOSB firms (including SDBs, VOSBs, service-disabled VOSBs, and HUBZone SBs owned by women).

**BLOCK 13:** (For contracts with DOD, NASA, and Coast Guard): Enter the dollar value of all subcontracts with HBCUs/MIs.

**BLOCK 14:** Report all subcontracts awarded to HUBZone SBs (including women-owned, veteran-owned, service-disabled VOSBs, SDB HUBZone SBs, and Alaskan Native Corporations (ANCs) and Indian tribes).

**BLOCK 15:** Report all subcontracts awarded to VOSBs (including women-owned, SDB, and HUBZone SB VOSBs).

**BLOCK 16:** Report all subcontracts awarded to service disabled VOSBs (including Service-Disabled Veteran Owned Small Business Concerns that are SDBs, WOSBs, and HUBZone SBs). These subcontracts should also be reported in Block 15.

**BLOCK 17:** Report all subcontracts awarded to Alaska Native Corporations (ANC) that are reported in Block 11, but have not been certified by SBA as SDBs.

**BLOCK 18:** Report all subcontracts awarded to Alaska Native Corporations (ANC) and Indian Tribes that are reported in Block 10a, but are not small business.

## SPECIAL INSTRUCTIONS FOR COMMERCIAL PLANS

1. This report is due on October 30th each year for the previous fiscal year ending September 30th.

2. The annual report submitted by reporting organizations that have an approved company-wide annual subcontracting plan for commercial items shall include all subcontracting activity under commercial plans in effect during the year and shall be submitted in addition to the required reports for other-than-commercial items, if any.

3. Enter in Blocks 10a through 18 the total of all subcontract awards under the contractor's Commercial Plan. Show in Block 8 the percentage of this total that is attributable to the agency to which this report is being submitted. This report must be submitted to each agency from which contracts for commercial items covered by an approved Commercial Plan were received.

## DEFINITIONS

1. Direct Subcontract Awards are those that are identified with the performance of one or more specific Government contract(s).

2. Indirect Subcontract Awards are those which, because of incurrence for common or joint purposes, are not identified with specific Government contracts; these awards are related to Government contract performance but remain for allocation after direct awards have been determined and identified to specific Government contracts.

## SUBMITTAL ADDRESSES FOR ORIGINAL REPORT

For DOD Contractors, send reports to the cognizant contract administration office as stated in the contract.

For Civilian Agency Contractors, send reports to awarding agency:

1. NASA: Forward reports to NASA, Office of Procurement (HS), Washington, DC 20546

2. OTHER FEDERAL DEPARTMENTS OR AGENCIES: Forward report to the OSDBU Director unless otherwise provided for in instructions by the Department or Agency.

## FOR ALL CONTRACTORS:

SMALL BUSINESS ADMINISTRATION (SBA): Send "info copy" to the cognizant Commercial Market Representative (CMR) at the address provided by SBA. Call SBA Headquarters in Washington, DC at (202) 205-6475 for correct address if unknown.