Department of Energy
Argonne Site Office
9800 South Cass Avenue
Argonne, Illinois 60439

JAN 28 2010

Dr. Donald Levy
Vice President for Research and
for National Laboratories
Chief Executive Officer
UChicago Argonne, LLC
5801 South Ellis Avenue
Chicago, Illinois 60637

Dear Dr. Levy:

SUBJECT: MODIFICATION NO. M140 TO U.S. DEPARTMENT OF ENERGY CONTRACT DE-AC02-06CH11357

Enclosed for your records is a fully executed copy of the subject modification which revises the Prime Contract as follows:

- Updates Part I, SECTION H, SPECIAL CONTRACT REQUIREMENTS and revises the associated TABLE OF CONTENTS;

- Updates Part II, SECTION I, CONTRACT CLAUSES and revises the associated TABLE OF CONTENTS; and

- Updates Part III, SECTION J, LIST OF ATTACHMENTS, APPENDICES H and I, SMALL BUSINESS SUBCONTRACTING PLAN and DOE DIRECTIVES/LIST B, respectively.

As a reminder, as changes are made to the contract, a re-issuance of Sections H and I in their entirety will be made at a later date. A revised DOE Directives/List B and the approved Small Business Plan are provided as part of the modification, as are revised Tables of Contents for Sections H and I.

If you have questions or are in need of additional information, please contact me at 630/252-2127.

Sincerely,

Kristin E. Palmer

Kristin E. Palmer
Contracting Officer

Enclosures:
As Stated

cc: R. Zimmer, UofC, w/encls.
L. Hill, UofC/ANL, w/encls.
J. Kroll, UofC, w/encls.
G. McKeown, UofC, w/encls.
C. Murray, UofC, w/encls.
E. Isaacs, ANL, w/encls.
B. Arnold, ANL, w/encls.
W. Elias, ANL, w/encls.
M. Besancon, ANL, w/encls.
R. Malhotra, ANL, w/encls.
P. Moonier, ANL, w/encls.
D. Bugielski, ANL, w/encls.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT	1. CONTRACT ID CODE	PAGE OF PAGES 1 | 3

2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. *(If applicable)*
M140	See Block 16c.	N/A	N/A

6. ISSUED BY CODE
U.S. Department of Energy
Office of Science/Argonne Site Office
9800 South Cass Avenue
Argonne, IL 60439

7. ADMINISTERED BY *(If other than Item 6)* Code
See Block 6

8. NAME AND ADDRESS OF CONTRACTOR *(No. street, county, State and ZIP Code)*
UChicago Argonne, LLC
5801 South Ellis Avenue
Chicago, IL 60637

CODE **N/A** FACILITY CODE **N/A**

(✓) 9.A. AMENDMENT OF SOLICITATION NO.

9.B. DATED *(SEE ITEM 11)*

X 10.A. MODIFICATION OF Contract/Order NO.
DE-AC02-06CH11357

10.B. DATED *(SEE ITEM 13)*
July 31, 2006

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended.

Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning ____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA *(If required)*
Not Applicable.

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

(✓)	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO (Specify Authority) " THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES *(such as changes in paying office, appropriation date, etc.)* SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: **Mutual Agreement of the Parties.**
	D. OTHER *(Specify type of modification and authority)*

(merely as acknowledgement of receipt)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return **4** copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION *(Organized by UCF section headings, including solicitation/contract subject matter where feasible.)*

See Page No. 2 of this modification.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER *(Type or print)*		16A. NAME AND TITLE OF CONTRACTING OFFICER *(Type or print)*	
Beth A. Harris General Counsel and Secretary		Kristin E. Palmer Contracting Officer	
15B. CONTRACTOR/OFFEROR Beth A. Harris *(Signature of person authorized to sign*	15C. DATE SIGNED 1/25/10	16B. UNITED STATES OF AMERICA BY Kristin E. Palmer *(Signature of Contracting Officer)*	16C. DATE SIGNED 1/26/10

14. DESCRIPTION OF AMENDMENT/MODIFICATION, continued.

This modification is issued to update the following contract Sections: 1) Part I, Section H – Special Contract Requirements Table of Contents and Part I, Section H – Special Contract Requirements; 2) Part II, Section I – Contract Clauses Table of Contents and Part II, Section I – Contract Clauses; and 3) Part III, Section J – List of Attachments, Appendices H and I, as follows:

A. PART I, SECTION H, SPECIAL CONTRACT REQUIREMENTS, is revised as follows:

1. In Section H, Special Contract Requirements, Table of Contents, attached hereto and made a part hereof, the following clause titles changes are made:

   (a) "Clause No. H.27, Reserved" is substituted for "Clause No. H.27, Open Competition and Labor Relations under Management and Operating and Other Major Facilities Contracts".

   (b) "Clause No. H.42, Contractor Assurance System" is added.

2. In Section H, Special Contract Requirements, the following clause changes are made:

   (a) "Clause No. H. 27, Open Competition and Labor Relations under Management and Operating and Other Major Facilities Contracts" is hereby deleted from the contract as awarded.

   (b) "Clause No. H. 42, Contractor Assurance System", attached hereto is made a part hereof.

B. PART II, SECTION I, CONTRACT CLAUSES, is revised as follows:

1. In Section I, Contract Clauses, Table of Contents, attached hereto and made a part hereof, the following clause title substitutions are made:

   (a) "Clause No. I.34, Reserved" is substituted for "Clause No. I.34, FAR 52.222-39, Notification of Employee Rights Concerning Payment of Union Dues or Fees (DEC 2004)".

   (b) "Clause No. I.63, FAR 52.244-6, Subcontracts for Commercial Items (DEC 2009)" is substituted for "Clause No. I.63, FAR 52.244-6, Subcontracts for Commercial Items (AUG 2009)".

14. DESCRIPTION OF AMENDMENT/MODIFICATION, continued.

2. In Section I, Contract Clauses, the following clause substitutions are made:

   (a) "Clause No. I.34, Reserved" is substituted for "Clause No. I.34, FAR 52.222-39, Notification of Employee Rights Concerning Payment of Union Dues or Fees (DEC 2004)", previously incorporated into the contract as awarded.

   (b) "Clause No. I.63, FAR 52.244-6, Subcontracts for Commercial Items (DEC 2009)", attached hereto and made a part hereof, is substituted for "Clause No. I.63, FAR 52.244-5, Subcontracts for Commercial Items (AUG 2009)", previously incorporated into the contract by Modification M078.

C. **PART III, SECTION J, LIST OF APPENDICES,** is revised as follows:

1. Attachment No. J.8, Appendix H – Small Business and Small Business Disadvantaged Business Subcontracts Plan, attached hereto and made a part hereof, is substituted for Attachment No. J.8, Appendix H – Small Business and Small Business Disadvantaged Business Subcontracts Plan, previously incorporated into the contract by Modification No. M078.

2. Attachment No. J.9, Appendix I – DOE Directives/List B, attached hereto and made a part hereof, is substituted for Attachment No. J.9, Appendix I – DOE Directives/List B, previously incorporated into the contract by Modification No. M078.

D. **ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.**

END OF MODIFICATION

PART I

SECTION H

SPECIAL CONTRACT REQUIREMENTS

TABLE OF CONTENTS

CLAUSE NO.	TITLE OF CLAUSE	PAGE NO.
H.1	LABORATORY FACILITIES	H-1
H.2	LONG-RANGE PLANNING, PROGRAM DEVELOPMENT AND BUDGETARY ADMINISTRATION	H-1
H.3	WORK PROGRAMS	H-2
H.4	DEFENSE AND INDEMNIFICATION OF EMPLOYEES	H-4
H.5	ADVANCE UNDERSTANDINGS REGARDING ADDITIONAL ITEMS OF ALLOWABLE AND UNALLOWABLE COSTS AND OTHER MATTERS	H-5
H.6	FACILITIES CAPITAL COST OF MONEY	H-7
H.7	ADMINISTRATION OF SUBCONTRACTS	H-7
H.8	CARE OF LABORATORY ANIMALS	H-9
H.9	PRIVACY ACT RECORDS	H-9
H.10	ADDITIONAL DEFINITIONS	H-10
H.11	SERVICE CONTRACT ACT OF 1965 (41 U.S.C. 35)	H-11
H.12	WALSH-HEALY PUBLIC CONTRACTS ACT	H-11
H.13	PROTECTION OF HUMAN SUBJECTS	H-12
H.14	BOARD OF GOVERNOR'S EXPENSES	H-12

CLAUSE NO.	TITLE OF CLAUSE	PAGE NO.
H.15	STANDARDS OF CONTRACTOR PERFORMANCE EVALUATION	H-13
H.16	CAP ON LIABILITY	H-15
H.17	INTELLECTUAL AND SCIENTIFIC FREEDOM	H-15
H.18	NOTICE REGARDING THE PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS - SENSE OF CONGRESS	H-16
H.19	APPLICATION OF DOE CONTRACTOR REQUIREMENTS DOCUMENTS	H-16
H.20	EXTERNAL REGULATION	H-18
H.21	SEPARATE CORPORATE ENTITY AND PERFORMANCE GUARANTEE	H-18
H.21A	RESPONSIBLE CORPORATE OFFICIAL	H-19
H.22	WORKFORCE TRANSITION, CONTRACTOR COMPENSATION, BENEFITS AND PENSION	H-19
H.23	CONTRACTOR ACCEPTANCE OF NOTICES OF VIOLATIONS OR ALLEGED VIOLATIONS, FINES, AND PENALTIES	H-26
H.24	ALLOCATION OF RESPONSIBILITIES FOR CONTRACTOR ENVIRONMENTAL COMPLIANCE ACTIVITIES	H-26
H.25	WORKERS' COMPENSATION	H-27
H.26	ADDITIONAL LABOR REQUIREMENTS	H-28
H.27	RESERVED (This clause number is reserved as a part of Modification No. M140. Page numbers will be reordered as part of a re-issue of Section H, to be made at a later date.)	H-28
H.28	PERFORMANCE BASED MANAGEMENT AND OVERSIGHT	H-29

CLAUSE NO.	TITLE OF CLAUSE	PAGE NO.
H.29	LOBBYING RESTRICTION (ENERGY AND WATER ACT, 2006)	H-30
H.30	ELECTRONIC SUBCONTRACTING REPORTING SYSTEM	H-30
H.31	DOE MENTOR-PROTÉGÉ PROGRAM	H-30
H.32	DISPOSAL OF REAL PROPERTY	H-31
H.33	ACTIVITIES DURING CONTRACT TRANSITION	H-31
H.34	SPECIAL FINANCIAL INSTITUTION ACCOUNT AGREEMENT	H-34
H.35	AGREEMENTS AND COMMITMENTS	H-34
H.36	MODIFICATION AUTHORITY	H-35
H.37	COMPLIANCE WITH INTERNET PROTOCAL VERSION 6 (IPv6) IN ACQUIRING INFORMATION TECHNOLOGY	H-35
H.38	RESERVED	H-35
H.39	IMPLEMENTATION OF ITER AGREEMENT ANNEX ON INFORMATION AND INTELLECTUAL PROPERTY	H-35
H.40	INFORMATION TECHNOLOGY ACQUISITIONS	H-36
H.41	SPECIAL PROVISIONS RELATING TO WORK FUNDED UNDER AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (APR 2009)	H-37
H.42	CONTRACTOR ASSURANCE SYSTEM	H-40

SECTION H

SPECIAL CONTRACT REQUIREMENTS

CLAUSE H. 42 - CONTRACTOR ASSURANCE SYSTEM

(a) The Contractor shall develop a contractor assurance system that is executed by the Contractor's Board of Directors (or equivalent corporate oversight entity) and implemented throughout the Contractor's organization. This system provides reasonable assurance that the objectives of the contractor management systems are being accomplished and that the systems and controls will be effective and efficient. The contractor assurance system, at a minimum, shall include the following key attributes:

(1) A comprehensive description of the assurance system with processes, key activities, and accountabilities clearly identified.

(2) A method for verifying/ensuring effective assurance system processes. Third party audits, peer reviews, independent assessments, and external certification (such as VPP and ISO 9001 or ISO 14001) may be used.

(3) Timely notification to the Contracting Officer of significant assurance system changes prior to the changes.

(4) Rigorous, risk-based, credible self-assessments, and feedback and improvement activities, including utilization of nationally recognized experts, and other independent reviews to assess and improve the Contractor's work process and to carry out independent risk and vulnerability studies.

(5) Identification and correction of negative performance/compliance trends before they become significant issues.

(6) Integration of the assurance system with other management systems including Integrated Safety Management.

(7) Metrics and targets to assess performance, including benchmarking of key functional areas with other DOE contractors, industry and research institutions. Assure development of metrics and targets that result in efficient and cost effective performance.

(8) Continuous feedback and performance improvement.

(9) An implementation plan (if needed) that considers and mitigates risks.

(10) Timely and appropriate communication to the Contracting Officer, including electronic access, of assurance related information.

SECTION H

SPECIAL CONTRACT REQUIREMENTS

CLAUSE H. 42 - CONTRACTOR ASSURANCE SYSTEM (continued)

The initial contractor assurance system description shall be approved by the Contracting Officer.

(b) The Government may revise its level and/or mix of oversight of this contract when the Contracting Officer determines that the assurance system is or is not operating effectively.

(End of clause)

PART II

SECTION I

CONTRACT CLAUSES

TABLE OF CONTENTS

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.1	FAR 52.202-1	DEFINITIONS (JUL 2004)	I-1
I.2	FAR 52.203-3	GRATUITIES (APR 1984)	I-1
I.3	FAR 52.203-5	COVENANT AGAINST CONTINGENT FEES (APR 1984)	I-2
I.4	FAR 52.203-6	RESTRICTIONS ON SUBCONTRACTOR SALES TO THE GOVERNMENT (SEP 2006)	I-2
I.5	FAR 52.203-7	ANTI-KICKBACK PROCEDURES (JUL 1995)	I-3
I.6	FAR 52.203-8	CANCELLATION, RESCISSION, AND RECOVERY OF FUNDS FOR ILLEGAL OR IMPROPER ACTIVITY (JAN 1997)	I-5
I.7	FAR 52.203-10	PRICE OR FEE ADJUSTMENT FOR ILLEGAL OR IMPROPER ACTIVITY (JAN 1997)	I-5
I.8	FAR 52.203-12	LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (SEP 2007)	I-7
I.8A	FAR 52.203-13	CONTRACTOR CODE OF BUSINESS ETHICS AND CONDUCT (DEC 2008)	I-13
I.8B	FAR 52.203-14	DISPLAY OF HOTLINE POSTER(S) (DEC 2007)	I-18
I.8C	FAR 52.203-15	WHISTLEBLOWER PROTECTIONS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (MAR 2009)	I-19
I.9	FAR 52.204-4	PRINTED OR COPIED DOUBLE-SIDED ON RECYCLED PAPER (AUG 2000)	I-19
I.10	FAR 52.204-7	CENTRAL CONTRACTOR REGISTRATION (APR 2008)	I-21

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.10A	FAR 52.204-9	PERSONAL IDENTITY VERIFICATION OF CONTRACTOR PERSONNEL (SEP 2007)	I-24
I.10B	FAR 52.204-11	AMERICAN RECOVERY AND REINVESTMENT ACT -- REPORTING REQUIREMENTS (MAR 2009)	I-24
I.11	FAR 52.208-8	REQUIRED SOURCES FOR HELIUM AND HELIUM USAGE DATA (APR 2002)	I-29
I.12	FAR 52.209-6	PROTECTING THE GOVERNMENT'S INTEREST WHEN SUBCONTRACTING WITH CONTRACTORS DEBARRED, SUSPENDED, OR PROPOSED FOR DEBARMENT (SEP 2006)	I-30
I.13	FAR 52.211-5	MATERIAL REQUIREMENTS (AUG 2000)	I-30
I.14	FAR 52.215-8	ORDER OF PRECEDENCE - UNIFORM CONTRACT FORMAT (OCT 1997)	I-31
I.15	FAR 52.215-12	SUBCONTRACTOR COST OR PRICING DATA (OCT 1997)	I-32
I.16	FAR 52.215-13	SUBCONTRACTOR COST OR PRICING DATA--MODIFICATIONS (OCT 1997)	I-32
I.17	FAR 52.215-14	INTEGRITY OF UNIT PRICES (OCT 1997)	I-33
I.18	FAR 52.215-17	WAIVER OF FACILITIES CAPITAL COST OF MONEY (OCT 1997)	I-34
I.18A	FAR 52.215-23	LIMITATIONS ON PASS-THROUGH CHARGES (OCT 2009) (This clause is effective as part of Modification M105. The clause will be inserted into a reissue of Section I, Contract Clauses and assigned a page number at a later date.)	
I.19	FAR 52.219-4	NOTICE OF PRICE EVALUATION PREFERENCE FOR HUBZONE SMALL BUSINESS CONCERNS (JUL 2005)	I-34
I.20	FAR 52.219-8	UTILIZATION OF SMALL BUSINESS CONCERNS (MAY 2004)	I-35
I.21	FAR 52.219-9	SMALL BUSINESS SUBCONTRACTING PLAN (APR 2008)	I-37
I.22	FAR 52.219-16	LIQUIDATED DAMAGES - SUBCONTRACTING - PLAN (JAN 1999)	I-48

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.23	FAR 52.219-25	SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM-DISADVANTAGED STATUS AND REPORTING (APR 2008)	I-49
I.23A	FAR 52.219-28	POST-AWARD SMALL BUSINESS REPRESENTATION (APR 2009)	I-50
I.24	FAR 52.222-1	NOTICE TO THE GOVERNMENT OF LABOR DISPUTES (FEB 1997)	I-52
I.25	FAR 52.222-3	CONVICT LABOR (JUN 2003)	I-52
I.26	FAR 52.222-4	CONTRACT WORK HOURS AND SAFETY STANDARDS ACT - OVERTIME COMPENSATION (JUL 2005)	I-53
I.27	FAR 52.222-11	SUBCONTRACTS (LABOR STANDARDS) (JUL 2005)	I-54
I.28	FAR 52.222-21	PROHIBITION OF SEGREGATED FACILITIES (FEB 1999)	I-56
I.29	FAR 52.222-26	EQUAL OPPORTUNITY (MAR 2007)	I-56
I.30	FAR 52.222-29	NOTIFICATION OF VISA DENIAL (JUN 2003)	I-59
I.31	FAR 52.222-35	EQUAL OPPORTUNITY FOR SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS (SEP 2006)	I-59
I.32	FAR 52.222-36	AFFIRMATIVE ACTION FOR WORKERS WITH DISABILITIES (JUN 1998)	I-64
I.33	FAR 52.222-37	EMPLOYMENT REPORTS ON SPECIAL DISABLED VETERANS, VETERANS OF THE VIETNAM ERA, AND OTHER ELIGIBLE VETERANS (SEP 2006)	I-65
I.34	RESERVED	(This clause number is reserved as part of Modification No. M140 Page numbers will be reordered as part of a re-issue of Section I, to be made at a later date.)	I-67
I.34A	FAR 52.222-50	COMBATING TRAFFICKING IN PERSONS (FEB 2009)	I-69
I.34B	FAR 52.222-54	EMPLOYMENT ELIGIBILITY VERIFICATION (JAN 2009)	I-72

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.35	FAR 52.223-3	HAZARDOUS MATERIAL IDENTIFICATION AND MATERIAL SAFETY DATA (JAN 1997) (ALTERNATE I) (JULY 1995)	I-76
I.36	FAR 52.223-5	POLLUTION PREVENTION AND RIGHT-TO-KNOW INFORMATION (AUG 2003) (ALTERNATE I)(AUG 2003) (includes modifications in AL 2008-05) (DEVIATION)	I-78
I.37	FAR 52.223-7	NOTICE OF RADIOACTIVE MATERIALS (JAN 1997)	I-79
I.38	FAR 52.223-9	ESTIMATE OF PERCENTAGE OF RECOVERED MATERIAL CONTENT FOR EPA-DESIGNATED PRODUCTS (MAY 2008)	I-80
I.39	FAR 52.223-10	WASTE REDUCTION PROGRAM (AUG 2000) (includes modification in AL 2008-05) (DEVIATION)	I-80
I.40	FAR 52.223-11	OZONE-DEPLETING SUBSTANCES (MAY 2001)	I-81
I.41	FAR 52.223-12	REFRIGERATION EQUIPMENT AND AIR CONDITIONERS (MAY 1995)	I-82
I.42	FAR 52.223-14	TOXIC CHEMICAL RELEASE REPORTING (AUG 2003)	I-82
I.42A	FAR 52.223-15	ENERGY EFFICIENCY IN ENERGY-CONSUMING PRODUCTS (DEC 2007)	I-83
I.42B	FAR 52.223-16	IEEE 1680 STANDARD ENVIRONMENTAL ASSESSMENT FOR PERSONAL COMPUTER PRODUCTS (DEC 2007)	I-85
I.43	FAR 52.224-1	PRIVACY ACT NOTIFICATION (APR 1984)	I-85
I.44	FAR 52.224-2	PRIVACY ACT (APR 1984)	I-85
I.45	FAR 52.225-1	BUY AMERICAN ACT--SUPPLIES (FEB 2009)	I-86
I.46	FAR 52.225-9	BUY AMERICAN ACT--CONSTRUCTION MATERIALS (FEB 2009)	I-88
I.47	FAR 52.225-13	RESTRICTIONS ON CERTAIN FOREIGN PURCHASES (JUN 2008)	I-92

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.47A	FAR 52.225-21	REQUIRED USE OF AMERICAN IRON, STEEL AND OTHER MANUFACTURED GOODS -- BUY AMERICAN ACT -- CONSTRUCTION MATERIALS (MAR 2009)	I-93
I.48	FAR 52.227-23	RIGHTS TO PROPOSAL DATA (TECHNICAL) (JUN 1987)	I-96
I.49	FAR 52.229-8	TAXES -- FOREIGN COST-REIMBURSEMENT CONTRACTS (MAR 1990)	I-96
I.50	FAR 52.230-2	COST ACCOUNTING STANDARDS (OCT 2008)	I-97
I.51	FAR 52.230-6	ADMINISTRATION OF COST ACCOUNTING STANDARDS (MAR 2008)	I-99
I.52	FAR 52.232-17	INTEREST (OCT 2008)	I-109
I.53	FAR 52.232-18	AVAILABILITY OF FUNDS (APR 1984)	I-110
I.54	FAR 52.232-24	PROHIBITION OF ASSIGNMENT OF CLAIMS (JAN 1986)	I-110
I.55	FAR 52.233-1	DISPUTES (JULY 2002) (ALTERNATE I) (DEC 1991)	I-110
I.56	FAR 52.233-3	PROTEST AFTER AWARD (AUG 1996)	I-112
I.57	FAR 52.233-4	APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM (OCT 2004)	I-113
I.58	FAR 52.236-8	OTHER CONTRACTS (APR 1984)	I-113
I.59	FAR 52.237-3	CONTINUITY OF SERVICES (JAN 1991)	I-114
I.60	FAR 52.242-1	NOTICE OF INTENT TO DISALLOW COSTS (APR 1984)	I-114
I.61	FAR 52.242-13	BANKRUPTCY (JUL 1995)	I-115
I.62	FAR 52.244-5	COMPETITION IN SUBCONTRACTING (DEC 1996)	I-115
I.63	FAR 52.244-6	SUBCONTRACTS FOR COMMERCIAL ITEMS (DEC 2009) (This updated clause is effective as part of Modification No. M140. A reissue of Section I will be made at a later date.)	I-115

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.64	FAR 52.247-1	COMMERCIAL BILL OF LADING NOTATIONS (FEB 2006)	I-117
I.65	FAR 52.247-63	PREFERENCE FOR U.S. FLAG AIR CARRIERS (JUN 2003)	I-117
I.66	FAR 52.247-64	PREFERENCE FOR PRIVATELY-OWNED U.S.-FLAG COMMERCIAL VESSELS (FEB 2006)	I-118
I.67	FAR 52.247-67	SUBMISSION OF TRANSPORTATION DOCUMENTS FOR AUDIT (FEB 2006)	I-121
I.68	FAR 52.249-6	TERMINATION (COST-REIMBURSEMENT) (MAY 2004); MODIFIED BY DEAR 970.4905-1 (DEC 2000)	I-122
I.69	FAR 52.249-14	EXCUSABLE DELAYS (APR 1984)	I-126
I.70	FAR 52.250-1	INDEMNIFICATION UNDER PUBLIC LAW 85-804 (APR 1984) ALTERNATE I (APR 1984) (DEVIATION)	I-127
I.71	FAR 52.251-1	GOVERNMENT SUPPLY SOURCES (APR 1984) (DEVIATION)	I-130
I.72	FAR 52.251-2	INTERAGENCY FLEET MANAGEMENT SYSTEM VEHICLES AND RELATED SERVICES (JAN 1991)	I-130
I.73	FAR 52.252-6	AUTHORIZED DEVIATIONS IN CLAUSES (APR 1984)	I-130
I.74	FAR 52.253-1	COMPUTER GENERATED FORMS (JAN 1991)	I-131
I.75	DEAR 952.203-70	WHISTLEBLOWER PROTECTION FOR CONTRACTOR EMPLOYEES (DEC 2000)	I-131
I.76	DEAR 952.204-2	SECURITY (AUG 2009)	I-131
I.77	DEAR 952.204-70	CLASSIFICATION/DECLASSIFICATION (SEP 1997)	I-136
I.78	DEAR 952.204-75	PUBLIC AFFAIRS (DEC 2000)	I-137
I.79	DEAR 952.208-7	TAGGING OF LEASED VEHICLES (APR 1984)	I-138
I.80	DEAR 952.209-72	ORGANIZATIONAL CONFLICTS OF INTEREST (AUG 2009) (ALTERNATE I) (AUG 2009)	I-138

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.81	RESERVED		
I.82	DEAR 952.211-71	PRIORITIES AND ALLOCATIONS (CONTRACTS) (APR 2006)	I-141
I.83	DEAR 952.215-70	KEY PERSONNEL (DEC 2000)	I-141
I.84	DEAR 952.217-70	ACQUISITION OF REAL PROPERTY (APR 1984)	I-142
I.85	DEAR 952.223-75	PRESERVATION OF INDIVIDUAL OCCUPATIONAL RADIATION EXPOSURE RECORDS (APR 1984)	I-142
I.86	DEAR 952.224-70	PAPERWORK REDUCTION ACT (APR 1994)	I-143
I.87	DEAR 952.226-74	DISPLACED EMPLOYEE HIRING PREFERENCE (JUN 1997)	I-143
I.88	DEAR 952.235-71	RESEARCH MISCONDUCT (JUL 2005)	I-144
I.89	DEAR 952.242-70	TECHNICAL DIRECTION (DEC 2000)	I-147
I.90	DEAR 952.247-70	FOREIGN TRAVEL (AUG 2009)	I-149
I.91	DEAR 952.250-70	NUCLEAR HAZARDS INDEMNITY AGREEMENT (JUN 1996)	I-149
I.92	DEAR 952.251-70	CONTRACTOR EMPLOYEE TRAVEL DISCOUNTS (AUG 2009)	I-153
I.93	DEAR 970.5203-1	MANAGEMENT CONTROLS (JUN 2007)	I-154
I.94	DEAR 970.5203-2	PERFORMANCE IMPROVEMENT AND COLLABORATION (MAY 2006)	I-155
I.95	DEAR 970.5203-3	CONTRACTOR'S ORGANIZATION (DEC 2000)	I-156
I.96	DEAR 970.5204-1	COUNTERINTELLIGENCE (DEC 2000)	I-157
I.97	DEAR 970.5204-2	LAWS, REGULATIONS, AND DOE DIRECTIVES (DEC 2000) (DEVIATION)	I-157
I.98	DEAR 970.5204-3	ACCESS TO AND OWNERSHIP OF RECORDS (JUL 2005)	I-158
I.99	DEAR 970.5208-1	PRINTING (DEC 2000)	I-160
I.99A	DEAR 970.5211-1	WORK AUTHORIZATION (MAY 2007)	I-161

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.100	DEAR 970.5215-1	TOTAL AVAILABLE FEE: BASE FEE AMOUNT AND PERFORMANCE FEE AMOUNT (DEC 2000) (ALTERNATES II AND III) (DEC 2000)	I-162
I.101	DEAR 970.5215-3	CONDITIONAL PAYMENT OF FEE, PROFIT, AND OTHER INCENTIVES – FACILITY MANAGEMENT CONTRACTS (AUG 2009)	I-165
I.102	DEAR 970.5217-1	WORK FOR OTHERS PROGRAM (NON-DOE FUNDED WORK) (JAN 2005)	I-172
I.103	DEAR 970.5222-1	COLLECTIVE BARGAINING AGREEMENTS -- MANAGEMENT AND OPERATING CONTRACTS (DEC 2000)	I-174
I.104	DEAR 970.5222-2	OVERTIME MANAGEMENT (DEC 2000)	I-174
I.105	DEAR 970.5223-1	INTEGRATION OF ENVIRONMENT, SAFETY, AND HEALTH INTO WORK PLANNING AND EXECUTION (DEC 2000)	I-175
I.106	DEAR 970.5223-2	AFFIRMATIVE PROCUREMENT PROGRAM (MAR 2003) (includes modification in AL 2008-05) (DEVIATION)	I-178
I.107	DEAR 970.5223-4	WORKPLACE SUBSTANCE ABUSE PROGRAMS AT DOE SITES (DEC 2000)	I-179
I.108	DEAR 970.5223-5	DOE MOTOR VEHICLE FLEET FUEL EFFICIENCY (OCT 2003) (includes modifications in AL 2008-05) (DEVIATION)	I-180
I.109	DEAR 970.5226-1	DIVERSITY PLAN (DEC 2000)	I-180
I.110	DEAR 970.5226-2	WORKFORCE RESTRUCTURING UNDER SECTION 3161 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993 (DEC 2000)	I-180
I.111	DEAR 970.5226-3	COMMUNITY COMMITMENT (DEC 2000)	I-181
I.112	DEAR 970.5227-2	RIGHTS IN DATA-TECHNOLOGY TRANSFER (DEC 2000) (DEVIATION) (JUL 2006)	I-181
I.113	DEAR 970.5227-3	TECHNOLOGY TRANSFER MISSION (AUG 2002) (DEVIATION) (JUL 2006)	I-197

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.114	DEAR 970.5227-4	AUTHORIZATION AND CONSENT (AUG 2002)	I-210
I.115	DEAR 970.5227-5	NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT (AUG 2002)	I-210
I.116	DEAR 970.5227-6	PATENT INDEMNITY - SUBCONTRACTS (DEC 2000)	I-211
I.117	DEAR 970.5227-8	REFUND OF ROYALTIES (AUG 2002)	I-211
I.118	DEAR 970.5227-10	PATENT RIGHTS - MANAGEMENT AND OPERATING CONTRACTS, NONPROFIT ORGANIZATION OR SMALL BUSINESS FIRM CONTRACTOR (AUG 2002)	I-212
I.119	RESERVED		
I.120	DEAR 970.5228-1	INSURANCE--LITIGATION AND CLAIMS (AUG 2009) (DEVIATION)	I-226
I.121	DEAR 970.5229-1	STATE AND LOCAL TAXES (DEC 2000)	I-229
I.122	DEAR 970.5231-4	PREEXISTING CONDITIONS (DEC 2000) ALTERNATE II (DEC 2000)	I-230
I.123	DEAR 970.5232-1	REDUCTION OR SUSPENSION OF ADVANCE, PARTIAL, OR PROGRESS PAYMENTS (DEC 2000)	I-231
I.124	DEAR 970.5232-2	PAYMENTS AND ADVANCES (DEC 2000) (ALTERNATES II AND III) (DEC 2000)	I-231
I.125	DEAR 970.5232-3	ACCOUNTS, RECORDS, AND INSPECTION (AUG 2009) (includes modifications in AL 2009-09) (DEVIATION)	I-235
I.126	DEAR 970.5232-4	OBLIGATION OF FUNDS (DEC 2000)	I-238
I.127	DEAR 970.5232-5	LIABILITY WITH RESPECT TO COST ACCOUNTING STANDARDS (DEC 2000)	I-239
I.128	DEAR 970.5232-6	WORK FOR OTHERS FUNDING AUTHORIZATION (DEC 2000)	I-240
I.129	DEAR 970.5232-7	FINANCIAL MANAGEMENT SYSTEM (DEC 2000)	I-240

CLAUSE NO.	FAR/DEAR REFERENCE	TITLE OF CLAUSE	PAGE NO.
I.130	DEAR 970.5232-8	INTEGRATED ACCOUNTING (DEC 2000)	I-241
I.131	DEAR 970.5235-1	FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER SPONSORING AGREEMENT (DEC 2000)	I-241
I.132	DEAR 970.5236-1	GOVERNMENT FACILITY SUBCONTRACT APPROVAL (DEC 2000) (DEVIATION)	I-242
I.133	DEAR 970.5242-1	PENALTIES FOR UNALLOWABLE COSTS (AUG 2009)	I-242
I.134	DEAR 970.5243-1	CHANGES (DEC 2000)	I-243
I.135	DEAR 970.5244-1	CONTRACTOR PURCHASING SYSTEM (AUG 2009)	I-244
I.136	DEAR 970.5245-1	PROPERTY (DEC 2000) (ALTERNATE I) (DEC 2000) (DEVIATION)	I-249
I.137	RESERVED		

SECTION I

CONTRACT CLAUSES

CLAUSE I.63 – FAR 52.244-6 SUBCONTRACT FOR COMMERCIAL ITEMS (DEC 2009)

(a) *Definitions.* As used in this clause—

"Commercial item" has the meaning contained in Federal Acquisition Regulation 2.101, Definitions.

"Subcontract" includes a transfer of commercial items between divisions, subsidiaries, or affiliates of the Contractor or subcontractor at any tier.

(b) To the maximum extent practicable, the Contractor shall incorporate, and require its subcontractors at all tiers to incorporate, commercial items or non-developmental items as components of items to be supplied under this contract.

(c)(1) The Contractor shall insert the following clauses in subcontracts for commercial items:

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (DEC 2008) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)), if the subcontract exceeds $5,000,000 and has a performance period of more than 120 days. In altering this clause to identify the appropriate parties, all disclosures of violation of the civil False Claims Act or of Federal criminal law shall be directed to the agency Office of the Inspector General, with a copy to the Contracting Officer.

(ii) 52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Section 1553 of Pub. L. 111-5), if the subcontract is funded under the Recovery Act.

(iii) 52.219-8, Utilization of Small Business Concerns (MAY 2004) (15 U.S.C. 637(d)(2) and (3)), if the subcontract offers further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds $550,000 ($1,000,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(iv) 52.222-26, Equal Opportunity (MAR 2007) (E.O. 11246).

(v) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (SEPT 2006) (38 U.S.C. 4212(a));

SECTION I

CONTRACT CLAUSES

CLAUSE I.63 – FAR 52.244-6 SUBCONTRACT FOR COMMERCIAL ITEMS (DEC 2009) (continued)

(vi) 52.222-36, Affirmative Action for Workers with Disabilities (JUNE 1998) (29 U.S.C. 793).

(vii) [Reserved].

(viii) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).

(ix) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (FEB 2006) (46 U.S.C. App. 1241 and 10 U.S.C. 2631), if flow down is required in accordance with paragraph (d) of FAR clause 52.247-64).

(2) While not required, the Contractor may flow down to subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(d) The Contractor shall include the terms of this clause, including this paragraph (d), in subcontracts awarded under this contract.

(End of Clause)

FY 2010 SMALL BUSINESS SUBCONTRACTING PLAN

CONTRACTOR:	UCHICAGO ARGONNE, LLC (OPERATOR OF ARGONNE NATIONAL LABORATORY)
ADDRESS:	9700 SOUTH CASS AVENUE ARGONNE, ILLINOIS 60439-4873
CONTRACT NUMBER:	DE-AC02-06CH11357
ITEM/SERVICE:	OPERATION OF MULTI-PURPOSE NATIONAL LABORATORY
TOTAL AMOUNT OF CONTRACT (INCLUDING OPTIONS)	
PERIOD OF CONTRACT PERFORMANCE (DAY, MONTH, AND YEAR)	10/01/09 - 9/30/10

1. **TYPE OF PLAN** *(please check one)*

☑ **Individual Contract Plan** - Individual Contract Plan, as used in this subpart, means a subcontracting plan that covers the entire contract period (including option periods), applies to a specific contract, and has goals that are based on the offeror's planned subcontracting in support of the specific contract, except that indirect costs incurred for common or joint purposes may be allocated on a prorated basis to the contract.

☐ **Master Plan** - Master Plan, as used in this subpart, means a subcontracting plan that contains all of the required elements of the individual plans, except goals, and may be incorporated into individual contract plans, provided the master plan has been approved.

☐ **Commercial Products Plan** - Commercial Plan, as used in this subpart, means a subcontracting plan 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). The contractor must provide a copy of the approved plan. ***NOTE: A commercial plan is the preferred type of subcontracting plan for contractors furnishing commercial items.***

2. **GOALS**

State separate dollar and percentage goals for small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns, as subcontractors.

a. Total estimated dollar value of all planned subcontracting, i.e., with <u>all</u> types of concerns eligible for small business subcontracting under this contract is *$150,000,000.00.*

b. Total estimated dollar value and percent of planned subcontracting with small business concerns (includes small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns): (% of "a") *$75,300,000.00 and 50.2%.*

c. Total estimated dollar value and percent of planned subcontracting with Central Contractor Registration (CCR) small disadvantaged business: (% of "a") *$ 7,500,000.00 and 5%.*

d. Total estimated dollar value and percent of planned subcontracting with women-owned small business: (% of "a") *$ 7,500,000.00 and 5%.*

e. Total estimated dollar value and percent of planned subcontracting with CCR certified HUBZone small business: (% of "a") *$ 4,500,000.00 and 3%.*

f. Total estimated dollar value and percent of planned subcontracting with veteran-owned small business: (% of "a") *$0.00 and 0%.*

g. Total estimated dollar value and percent of planned subcontracting with service-disabled veteran-owned small business: (% of "a") *$4,500,000.00 and 3%.*

h. Total estimated dollar value and percent of planned subcontracting with large business: (% of "a") *$74,700,000 and 49.8%.*

Provide a description of all the products and/or services to be subcontracted under this contract, and indicate the types of business supplying them, [i.e., SMALL BUSINESS (SB), SMALL DISADVANTAGED BUSINESS (SDB), WOMEN-OWNED SMALL BUSINESS (WOSB), HUBZONE SMALL BUSINESS (HUBZ), VETERAN-OWNED SMALL BUSINESS (VOSB), SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS (SDV), and LARGE BUSINESS (LARGE).

(Check all that apply)

Subcontracted Product/Service	*SB*	*SDB*	*WOSB*	*HUBZ*	*VOSB*	*SDV*	*Large*
ADP Supplies	X	X	X	X			X
Civil, Surveying, Landscape Architecture & Environmental	X	X	X				X
Automotive Equipment	X		X				
Chemicals	X	X	X				
Clothing	X	X	X				
Compression Fittings	X	X	X				
Construction Contracting	X	X	X		X	X	X
Equipment	X	X	X				X
Furniture and Fixtures	X	X	X				X
Fabrications	X	X	X				X
Fire & Safety	X	X	X				
Fire Protection Engineering	X						
Fuel Oil	X	X	X				
Hardware and Small Tools	X	X	X	X			
Information Technology	X	X	X	X	X	X	X
Janitorial Supplies	X	X	X	X			
Laboratory Equipment & Supplies	X	X	X				X
Laundry	X	X	X				
Lubricants	X	X	X				
Lumber & Building Materials	X						
Machine Tools	X	X	X				
Predictive Maintenance Systems	X	X	X				
Material Handling Equipment	X	X	X				X
Material Handling Supplies	X	X	X				X
Office Supplies	X	X	X	X			
Paints & Supplies	X	X	X				
Photographic Supplies	X	X	X	X			
Pipes & Fittings	X	X	X				
Plumbing & Heating Supplies	X	X	X				
Prototype Fabrication (Hardware)	X	X	X				
Research & Development Support	X	X	X				X
Support Services	X	X	X				X

In accordance with DOE Acquisition Letter AL-2007-11 (08/13/07), awards greater than $3,000 and less than $100,000 to large business will include documentation which supports the decision to award to other than small business. Preference will be given to small business awards for purchases between $3,000 and $100,000 awarded through small purchase/simplified acquisition procedures where there is a reasonable expectation that bids, competitive as to price, quality, and delivery, will be obtained from two or more responsive small business concerns.

Argonne will for the acquisition of construction estimated to cost $3.5 million or less (where there is a reasonable expectation that bids, competitive as to price, quality, and delivery, will be obtained from two or more responsive small business concerns), solicit and award to small, small disadvantaged, or small disadvantaged 8(a) businesses to the fullest extent practicable.

To further facilitate the Argonne's Small Business Program, Argonne will, in accordance with DOE Acquisition Letter AL-2007-11 (08/13/07), without further documentation to the file, and based upon its unilateral decision, utilize the option of making awards without competition: (1) under $100,000 to small business concerns; (2) for purchases valued at: (a) $5.5 million or less for manufacturing standard classifications and $3.5 million or less for all other acquisitions to registered Small Business Administration 8(a) Pilot Program firms; or (b) $5.5 million or less for HUBZone small business within North American Industry Classification System (NAIC) codes for manufacturing and $3.5 million or less for HUBZone small business within any other NAIC codes; and (3) sole source awards to service-disabled veteran-owned small business concerns for $5.5 million or less for a requirement within the NAICS codes for manufacturing; or $3 million for a requirement within any other NAICS codes.

Argonne will utilize HUBZone set-asides and HUBZone sole source methodologies in the award of subcontracts provided the acquisition meets requirements of FAR 19.1305 and FAR 19.1306(a) and in accordance with this plan and existing procurement practices.

Argonne is in compliance with the DOE Mentor-Protégé Program. Argonne's Mentor-Protégé project is with Creatv Micro Tech and will involve the developmental assistance by Argonne scientists at the Center for Nanoscale Materials (CNM) Program. The Argonne Mentor-Protégé Program is managed and administered by Argonne's Office of Technology Transfer (OTT).

Argonne may award noncompetitive subcontracts of any dollar value to its Protégés recognized under the DOE Mentor-Protégé Program subject to the best commercial practices and procedures required by DEAR 970.4402-2(d). Further, Argonne may award noncompetitive subcontracts to a Protégé of another DOE Mentor contractor if those awards are made at fair market prices.

Argonne shall, to the maximum extent practicable, give a preference to small business in the award of subcontracts for projects funded by the American Recovery and Reinvestment Act (Recovery Act) of 2009.

See paragraph 7.C. for documentation of awards to large business with a value of $100,000 or more.

i. The following method was used in developing subcontract goals:

1) Small business goals were based on prior year's experience, perceived changes in the type of acquisitions to be completed, known increases and decreases in various program areas as reported by the various Laboratory divisions, projected construction projects, the DOE Acquisition Letter 2005-08 that re-affirmed authorized purchases valued up to $100,000 on a sole source basis to small business, the impact of Automated Material Order System (AMOS) in filling the needs of the Laboratory, consideration of certified HUBZone small business concerns, and the projected volume of acquisitions.

2) CCR small disadvantaged business (SDB) subcontracting activity was measured in terms of past annual dollar expenditures, percent of annual dollar purchases from SDB concerns, total number of SDB vendors doing business or desiring to do business with ANL, impact of AMOS contracts, use of FSS contracts, and a self-perception of the potential success of our SDB program.

3) In a similar manner the women-owned small business goal was determined based on last year's experience.

4) HUBZone goals are contingent upon availability of viable certified concerns located primarily in the Chicago metropolitan area, but considering others in the United States as well.

5) Veteran-owned small business and service-disabled veteran-owned small business opportunities are predicated on a reasonable expectation that bids, competitive as to price, quality, and delivery will be obtained from two or more responsive veteran-owned and/or service-disabled veteran-owned small business concerns.

j. Indirect costs have been _____ / have not been ___X___ included in the dollar and percentage subcontracting goals stated above. *(Please check one.)*

3. **PROGRAM ADMINISTRATOR**

Name, title, and position within the Laboratory structure, and the duties and responsibilities of the employee who will manage the contractor's subcontracting program.

NAME: DENNIS E. BUGIELSKI
TITLE: *MANAGER, ARGONNE PROCUREMENT*
ADDRESS: 9700 SOUTH CASS AVENUE
ARGONNE, IL 60439-4873
TELEPHONE: (630)-252-7028

Name, title, and position within the Laboratory structure, and the duties and responsibilities of the employee who will manage the contractor's subcontracting program.

NAME: KARL D. DUKE
TITLE: *SMALL BUSINESS LIAISON OFFICER*
ADDRESS: 9700 SOUTH CASS AVENUE
ARGONNE, IL 60439-4873
TELEPHONE: (630)-252-7790

Duties: Has general overall responsibility for the contractor's subcontracting program, i.e., developing, preparing, and executing subcontractor plans and monitoring performance relative to

the requirements of this particular plan. These duties include, but are not limited to, the following activities:

a. Developing and promoting Laboratory-wide policy initiatives that demonstrate Argonne's support for awarding contracts and subcontracts to small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business and assure that small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business are included on the services they are capable of providing;

b. Ensuring periodic rotation of potential subcontractors;

c. Ensuring that procurement "packages" are designed to permit the maximum possible participation of small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business within Laboratory policies and procedures;

d. Facilitating the utilization of various sources for the identification of small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business such as the Central Contractor Registry (CCR) (http://www.ccr.gov), the DOE's Acquisition Forecast, the VetBiz Registry database, the U.S. Department of Commerce Minority Business Development Agency, SME Toolkit which includes members of the U.S. Advisory Council including the Asian American Business Development Center, Black Enterprise magazine, the Council of the Better Business Bureau, Latinos in Information, Sciences and Technology, the Native American Business Alliance, the Native American Chamber of Commerce, the New York African American Chamber of Commerce, the US Hispanic Chamber of Commerce, the Women's President Organization, and the Women's Business Enterprise National Council, and the facilities of local small business, minority and women associations, and contact with federal agencies' small business program managers;

e. Overseeing the establishment and maintenance of contract and subcontract award records;

f. Attending or arranging for the attendance of Laboratory personnel at Small Business Opportunity Workshops, Minority and Women Business Enterprise Seminars, Trade Fairs, Procurement Conferences, etc.;

g. Ensuring small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business are made aware of subcontracting opportunities as well as how to prepare responsive bids to the Laboratory;

h. Conducting and arranging of training for Procurement personnel regarding the intent and impact of Public Law 95-507 on procurement procedures;

i. Monitoring the Laboratory's performance and making any adjustments necessary to achieve the subcontract plan goals;

j. Preparing and submitting required subcontract reports on a timely basis;

k. Coordinating the Laboratory's activities during the conduct of compliance reviews by federal agencies;

l. Reviewing solicitation formats to remove statements, clauses, etc., which may tend to restrict or prohibit small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business or service-disabled veteran-owned small business participation where possible;

m. Ensuring that the reasons for **not** selecting low bids submitted by small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business are documented;

n. Ensuring the establishment and maintenance of records of solicitations and subcontract award activity;

o. Ensuring that historically Black colleges and universities and minority institutions shall be afforded maximum practicable opportunity (if applicable);

p. Assisting program managers as early as possible in the development cycle of major system acquisitions and system programs pertaining to the Small Business program; and

q. Advising potential suppliers as to how they can obtain information about business opportunities at ANL and briefing the Procurement Manager and the Chief Financial Officer at least twice yearly concerning the status of small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business utilization in relation to goals and objectives established.

4. EQUITABLE OPPORTUNITY

The contractor agrees to ensure that small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business will have an equitable opportunity to compete for subcontracts. These efforts include, but are not limited to, the following activities:

a. Outreach efforts to obtain sources

1) Contacting small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business trade associations, such as:

- Chicago Minority Business Development Center
- Black Contractors United
- Hispanic American Construction Inc.
- Asian American Business Development Center
- Contractors Association of Will/Grundy Counties
- F. W. Dodge Corporation
- The Blue Book of Building and Construction
- Lake County Contractors Association
- SMACNA Chicago
- Construction Industry Service Corporation
- DuPage County Building Trades Council

2) Contacting business development organizations such as:

- U.S. Department of Veterans Affairs (VetBiz.gov)
- U.S. Department of Commerce Minority Business Development Agency
- Asian American Business Development Center
- Latinos in Information, Sciences and Technology
- Native American Business Alliance
- Native American Chamber of Commerce
- US Hispanic Chamber of Commerce
- Women's President Organization
- Women's Business Enterprise National Council

3) Attending small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business procurement conferences and trade fairs, as budget permits such as:

- Chicago Business Opportunity Fair
- U.S. Department of Energy Small Business Conference, Expo & Matchmaking Events
- Annual Joint Industry/SBA Procurement Conferences
- Minority Enterprise Development Week (MED WEEK)

4) Utilizing internet, newspaper and magazine ads to encourage new sources when funds are available to do so.

b. Internal efforts to guide and encourage Procurement personnel.

1) Presenting workshops and training programs;

2) Establishing, maintaining and using small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business source lists, guides, and other data for soliciting subcontracts, such as:

- National Directory of Minority-Owned Business Firms
- Business Research Services 8(a) Sources

- MWBE.com - National Resource and Referral Site for Minority and Women
- City of Chicago Certification and Compliance System MWDBE Directory
- Directory of Cook County Certified MBE/WBE Vendors
- State of Illinois Bureau of Central Management Vendors Directory Search
- Federal Suppliers Guide
- Black Pages International Business Listing and Information Guide

3) Monitoring activities to evaluate compliance with the subcontracting plan(s).

c. Small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business source lists, guides and other data identifying these types of business concerns will be maintained and utilized by buyers/subcontract specialists in sourcing suppliers.

5. FLOW-DOWN CLAUSE

The contractor agrees to include the provisions under FAR 52.219-8 entitled, "Utilization of Small Business Concerns," in all subcontracts in excess of the small purchase limitations that offer further subcontracting opportunities. All subcontractors, except small business concerns, that receive subcontracts (except those for commercial items) in excess of $550,000 ($1,000,000 for construction) of any public facility that offer further subcontracting opportunities must adopt and comply with a plan similar to the plan required by FAR 52.219-9, "Small Business Subcontracting Plan."

Such plans will be reviewed by comparing them with the provisions of Public Law 95-507, and assuring that all minimum requirements of an acceptable subcontracting plan have been satisfied. The acceptability of percentage goals shall be determined on a case-by-case basis depending on the supplies/services involved, the availability of potential small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business and prior experience. Once approved and implemented, plans will be monitored through the submission of periodic reports, and/or, as time and availability of funds permit, periodic visits to subcontractor's facilities to review applicable records and subcontracting program progress.

6. REPORTING AND COOPERATION

The contractor gives assurance of (1) cooperation in any studies or surveys that may be required by the contracting agency or the Small Business Administration; (2) submission of periodic reports which show compliance with the subcontracting plan; (3) submission of semi-annual reports to provide acquisition forecast data for subcontracting opportunities; (4) submission into the Electronic Subcontracting Reporting System (eSRS) of the Individual Subcontracting Report (ISR) and Summary Subcontracting Report (SSR), in accordance with the requirements of the eSRS; and (5) ensuring that large business subcontractors with subcontracting plans agree to submit the Individual Subcontracting Report and Summary Subcontracting Report, in accordance with the requirements of the eSRS.

Reporting Period	Report Due	Due Date
Oct 1 - Mar 31	ISR	04/30
Apr 1 - Sept 30	ISR	10/31
Oct 1 - Sept 30	SSR	10/31

7. RECORD KEEPING

The following is a recitation of the types of records the contractor will maintain to demonstrate the procedures adopted to comply with the requirements and goals in the subcontracting plan. These records will include, but not be limited to, the following:

a. Argonne uses the CCR as its source for small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns and maintains a list of the guides and other data identifying such vendors;

b. Organizations contacted in an attempt to locate small business, small disadvantaged business, women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business sources;

c. On a contract-by-contract basis, records on all subcontract solicitations over $100,000, which indicate for each solicitation (1) whether small business concerns were solicited, and if not, why not; (2) whether small disadvantaged business concerns were solicited, and if not, why not; (3) whether woman-owned small business concerns were solicited, and if not, why not; (4) whether HUBZone small business concerns were solicited, and if not, why not; (5) whether veteran-owned small business and/or service-disabled veteran-owned small business concerns were solicited, and if not, why not; and (6) the reason for the failure of solicited small business, small disadvantaged business, woman-owned small business, HUBZone small business, veteran-owned small business or service-disabled veteran-owned small business concerns to receive the subcontract award;

d. Records to support other outreach efforts, e.g., contacts with minority and small business trade associations, attendance at small and minority business procurement conferences and trade fairs;

e. Records to support internal guidance and encouragement, provided to buyers through (1) workshops, seminars, and training programs; and (2) monitoring of activities to evaluate compliance; and

f. On a contract-by-contract basis, records to support subcontract award data including the name, address, and business size of each subcontractor.

This subcontracting plan was submitted by:

SIGNATURE: Dennis Bugielski
TYPED NAME: Dennis E. Bugielski
TITLE: *Manager, Argonne Procurement*
DATE PREPARED: 4/11/10
PHONE NO.: 630-252-7028

This subcontracting plan was accepted by:

APPROVAL: Kristin E. Palmer
AGENCY: Department of Energy
TYPED NAME: Kristin E. Palmer
TITLE: Contracting Officer
DATE APPROVED: 1/20/10
PHONE NO.: 630 252 2127

DOE Directives/List B

NUMBER	DATE	TITLE
O 110.3A	01/25/07	Conference Management
O 130.1	09/29/95	Budget Formulation Process (extended by DOE N 251.45)
O 142.1	01/13/04	Classified Visits Involving Foreign Nationals
O 142.2A	12/15/06	Voluntary Offer Safeguards Agreement and Protocol with the International Atomic Energy Agency
M 142.2-1	09/04/08	Manual for the Voluntary Offer Safeguards Agreement and Protocol with the International Atomic Energy Agency
O 142.3 Chg. 1	06/18/04 02/28/08	Unclassified Foreign Visits and Assignments
O 150.1	05/08/08	Continuity Programs
O 151.1C	11/02/05	Comprehensive Emergency Management System
O 153.1	06/27/07	Departmental Radiological Emergency Responses Assets
O 200.1A	12/23/08	Information Management Program
O 205.1A	12/04/06	Department of Energy Cyber Security Management Program
M 205.1-3	04/17/06	Telecommunications Security Manual
M 205.1-4	03/08/07	National Security System Manual
M 205.1-5 Admin. Chg. 1	08/12/08	Cyber Security Process Requirement Manual
M 205.1-6 Admin. Chg.1	12/23/08	Media Sanitization Manual
M 205.1-7 Admin. Chg. 1	01/05/09	Unclassified Information Systems Manual
M 205.1-8 Admin. Chg. 1	01/08/09	Cyber Security Incident Management Manual
N 206.4	06/29/07	Personal Identity Verification, extended by N 251.74, dated 11/24/08
O 206.1	01/16/09	Department of Energy Privacy Program
O 210.2	06/12/06	DOE Corporate Operating Experience Program
O 221.1A	04/19/08	Reporting Fraud, Waste, and Abuse to the Office of Inspector General
O 221.2A	02/25/08	Cooperation with the Office of Inspector General
O 225.1A	11/26/97	Accident Investigation
O 226.1A	07/31/07	Implementation of Department of Energy Oversight Policy
O 231.1A Chg. 1	08/19/03 06/03/04	Environment Safety & Health Reporting
M 231.1-1A Chg. 2	03/19/04	Environment Safety & Health Reporting Manual
M 231.1-2	08/19/03	Occurrence Reporting and Processing of Operations Information Manual
O 241.1A Chg. 1	04/09/01 10/14/03	Scientific and Technical Information Management
O 243.1	02/03/06	Records Management Program
O 243.2	02/02/06	Vital Records
N 251.76	06/09/09	Reporting of Radioactive Sealed Sources
O 252.1	11/19/99	Technical Standards Program

DOE Directives/List B

NUMBER	DATE	TITLE
O 313.1	11/19/09	Management and Funding of Department's Overseas Presence
O 341.1A	10/18/07	Federal Employee Health Services
O 350.1 Chg. 1	09/30/96 05/08/98	Contractor Human Resource Management Programs (Except as otherwise modified in Appendix A of this Contract)
O 350.2A	10/29/03	Use of Management and Operating or Other Facility Management Contractor Employees for Services to DOE in the Washington, D.C., Area
O 410.2	08/17/09	Management of Nuclear Materials
O 412.1A	04/21/05	Work Authorization System
O 413.1B	10/28/08	Internal Control Program
O 413.2B	04/19/06	Laboratory Directed Research and Development
O 413.3A Chg. 1	07/28/06 11/17/08	Program and Project Management of the Acquisition of Capital Assets
O 414.1C	06/17/05	Quality Assurance
O 420.1B	12/22/05	Facility Safety
O 420.2B	07/23/04	Safety of Accelerator Facilities
O 425.1C	03/13/03	Startup and Restart of Nuclear Facilities
O 430.1B Chg. 1	09/24/03 02/08/08	Real Property Asset Management
O 430.2B	02/27/08	Departmental Energy, Renewable Energy and Transportation Management
O 433.1A	02/13/07	Maintenance Management Program for DOE Nuclear Facilities
O 435.1 Chg. 1	07/09/99 08/28/01	Radioactive Waste Management
M 435.1-1 Chg. 1	06/19/01	Radioactive Waste Management Manual
M 440.1-1A	01/09/06	DOE Explosives Safety Manual
O 440.2B Chg. 1	11/27/02 11/19/06	Aviation Management and Safety
M 441.1-1	03/07/08	Nuclear Material Packaging Manual
O 442.1A	06/06/01	Department of Energy Employee Concerns Program
M 442.1-1	11/16/06	Differing Professional Opinions Manual for Technical Issues
O 443.1A	12/20/07	Protection of Human Subjects
O 450.1A	06/04/08	Environmental Protection Program
M 450.4-1	11/01/06	Integrated Safety Management System Manual
N 456.1	01/05/09	The Safe Handling of Unbound Engineered Nanoparticles
O 460.1B	04/04/03	Packaging and Transportation Safety
O 460.2A	12/22/04	Departmental Materials Transportation and Packaging Management
M 460.2-1A	06/04/08	Radioactive Material Transportation Practices Manual
O 462.1	11/10/08	Import and Export of Category 1 and 2 Radioactive Sources and Aggregated Quantities
O 470.2B	10/31/02	Independent Oversight and Performance Assurance Program
O 470.3B	08/12/08	Graded Security Protection (GSP) Policy

DOE Directives/List B

NUMBER	DATE	TITLE
M 470.4-1 Chg. 1	08/26/05 03/07/06	Safeguards and Security Program Planning and Management
M 470.4-2A	07/23/09	Physical Protection
M 470.4-3A	11/05/08	Contractor Protective Force
M 470.4-4A	01/16/09	Information Security
M 470.4-5	08/26/05	Personnel Security
M 470.4-6	08/26/06	Nuclear Material Control and Accountability
M 470.4-7	08/26/05	Safeguards and Security Program References
O 471.1A	06/30/00	Identification and Protection of Unclassified Controlled Nuclear Information (extended by DOE N 251.64).
M 471.1-1 Chg. 1	10/23/01	Identification and Protection of Unclassified Controlled Nuclear Information Manual
O 471.3	04/09/03	Identifying and Protecting Official Use Only Information
M 471.3-1	04/09/03	Manual for Identifying and Protecting Official Use Only Information
O 475.1	12/10/04	Counterintelligence Program
O 475.2	08/28/07	Identifying Classified Information
M 475.1-1B	08/28/07	Manual for Identifying Classified Information
M 481.1-1A Chg. 1	09/28/01	Reimbursable Work for Non-Federal Sponsors Process Manual
O 482.1	01/12/01	DOE Facilities Technology Partnering Programs
O 483.1	01/12/01	DOE Cooperative Research and Development Agreements
O 484.1	08/17/06	Reimbursable Work for Department of Homeland Security
O 522.1	11/03/04	Pricing of Departmental Materials & Services
O 534.1B	01/06/03	Accounting
O 551.1C	06/24/08	Official Foreign Travel
O 580.1 Chg. 1	12/07/05 05/08/08	DOE Personal Property Management Program
O 1340.1B	01/07/93	Management of Public Communications, Publications, and Scientific, Technical, and Engineering Publications
O 1450.4	11/12/92	Consensual Listening-In To or Recording Telephone/Radio Conversations
O 5400.5* Chg. 1 Chg. 2	02/08/90 06/05/90 01/07/93	Radiation Protection of the Public and the Environment
O 5480.19 Chg. 1 Chg. 2	07/09/90 05/18/92 10/23/01	Conduct of Operations Requirements for DOE Facilities
O 5480.20A Chg. 1	11/15/94 07/12/01	Personnel Selection, Qualification, and Training Requirements for DOE Nuclear Facilities
O 5480.30 Chg. 1	01/19/93 03/14/01	Nuclear Reactor Safety Design Criteria
O 5610.2 Chg. 1	08/01/80 09/02/86	Control of Weapon Data

* Parts cancelled by new Orders

Note: Additional Manuals may apply