Small Business Subcontracting Program/Small Business Subcontracting Plans

1. What is the Supplier Diversity Program?
   Establishment of a Supplier Diversity Program at an institution is required when an organization is receiving federal funding for contracts or subcontracts as dictated by the Federal Acquisition Regulations (FARS). The delegation of authority to manage the program is issued through the Office of the President (UCOP) policy.

2. What are the requirements of the program?
The requirements are spelled out in the plan notice (available on the Small Business Subcontracting Forms webpage) which the Supplier Diversity Program Manager must issue to any funding organization when submitting a Small Business Subcontracting Plan

3. Who manages the campus program?
   Each UC campus designates and gives delegation of authority to a Supplier Diversity or Small Business Coordinator or Manager.
   Reference: BFB-BUS-43

4. How does the University define a minority, diverse, disadvantaged, and/or small business?
   Based on federal and state of California-diversity classification type definitions, policy, and for state-public contract code.
   Reference: Federal: Small Business Administration website, The ABCs of Federal Supplier Diversity Classification
   State of California – Doing Business with the State of California

5. Does UC Berkeley or the UC Office of the President have campus utilization goals?
   No. Campuses are working with UCOP on setting goals for the supplier diversity classification types for which we need to report.

6. If so for what categories of diverse businesses?
   See 4 above

7. How many Small Business Subcontracting Plans does the University have?
   The numbers change given new submission, amended plans and expiring plans, as of Weds. Jan. 10, 2018. we have 13 active plans and three pending the funder awarding a contract or subcontract

8. When should the need for the plan be identified during the pre-award and by whom?
   By RA and SPO, as soon as possible during the proposal stage, when the budget is finalized with the funding organization. Unfortunately, the need for a plan may not be determined until late in the process, when the funder is about to fund, and realizes a plan has not been submitted.

9. What information must be included in the plan? Who must provide this information?
   Total spend, spend for each of materials and supplies, equipment over $5,000 (inventorial), services outside of the University and travel. Proposed small business spend for all of the relevant supplier diversity classification types by dollar amount and percentage. All of the required language, showing a commitment to supporting and monitoring small business spend over the life of the agreement.
   Reference: Roles and Responsibilities – Creating an SBSP, FARS 19.702, 52.219-9
10. Is there one template that can be used to provide this information?
Yes. The Small Business Subcontracting Plan Worksheet. Must be completed for each phase or Clin for which funding is being requested. Access url in item 1 on the Small Business Subcontracting Forms webpage.

Who creates the plan and submits it?
RA works with PI and team to provide information, so Supplier Diversity Manager can create plan documentation and email to SPO to email to funder.

Reference: Roles and Responsibilities – Creating an SBSP

11. Why is a lead time needed to prepare the plan

Review time: Data in budget, accuracy of supplier diversity classifications, types of spend like whether materials & supplies, equipment or services

Available personnel: One person, the Supplier Diversity Program Manager, has multiple responsibilities and no back-up staff are available. Also, FARS requires that a designated employee manage the program.

12. What happens after the plan is submitted to the funding organization?

Notification back to funder: May not actually tell us if and when plan accepted. We often have to query them multiple times. Some funders may not notify.

Electronic repository for plan: The agreement award documentation should include the plan, so it is loaded into Phoebe. If not SPO or Supplier Diversity Program Manager may have to load it into Phoebe either in the ? section or the other documents section.

13. What if we need to change the goals for the plan based on changes in the budget? Can the department, RA, or SPO change the plan? If not, why not?
No. Any action on the plan must be taken by the Supplier Diversity Manager. Since that person has the delegation of authority on behalf of the University, no one else can make changes to the plan. The action to be taken will depend on the situation:
If the goals need to be changed before an award is made and after the plan is submitted, SPO has to inform the funder to discuss whether a revised plan needs to be submitted.
If the award has been signed and the budget has been revised, the PI and team need to work with SPO to determine the action that needs to be taken if additional.

14. Are there any requirements for reporting on spend toward the goals set forth in the plan?
Yes. The Supplier Diversity Program Manager is responsible for filing an Individual Subcontracting Report (ISR) for each contract or subcontract and twice per year in the Federal Electronic Subcontracting Reporting System (eSRS). Reporting dollar amounts, periods and deadlines:
- Cumulative dollar amounts and percent of total spend for October 1 of prior year to March 31st of current year, due by April 30th of current year.
- Cumulative dollar amounts and percent of total spend for for October 1 of prior year to September 30th of current year, due by Oct 30th of current year.

The Supplier Diversity Program Manager must also file a Summary Subcontracting Report (SSR) once per year in October for the period of October 1 of the prior year to September 30th of the current year for each of the contracts or subcontracts for which an ISR has been filed. The SSR shows spend for the annual reporting period, rather than cumulative spend.

Reference: Refer to Required Monitoring/Reporting webpage. See FARS and BFB-BUS-43 urls in item 1 above.
15. What are the consequences if we are not making progress toward the goal?  
The funder can determine that the PI and team have not made a good faith effort to procure small businesses and require repayment of some or all of the dollars that were not spend with small businesses. Since April 2009, we have not seen any agreements where payment had to be made.  
Reference: Required Monitoring/Reporting webpage

16. What happens if an amendment between the funder and UC Berkeley increases the award dollar amount?  
In most cases, the funder will require an amended plan that will include prior and future supplier diversity goals.

17. What is the University’s responsibility when the award also includes subcontractors? Do they need to do a plan? To whom are they required to submit the plan for acceptance?  
Yes, they need to create a plan and email to the UCB Supplier Diversity Program Manager, who needs to accept it in order for funding to be issued to that subcontractor.  
Reference: FARS Flow Down content in FAR 52.219-9/

18. What other areas do we have to monitor in regard to subcontractors?  
They must file an Individual Subcontracting Report (ISR) with delivery to the Supplier Diversity Program Manager here at UCB every six months in eSRS. They also need to file an SSR for every agreement with the appropriate federal agency.

Environmental Protection Agency (EPA) Disadvantaged Business Enterprise (DBE) Program

1. What types of businesses are included in this program? 
Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) as defined by the Small Business Administration  

2. Does the University have to submit a Small Business Subcontracting Plan to EPA? How do we know that MBE/WBE reporting is required?  
The award document will include the specific text under the Administrative Conditions section requiring reporting and will articulate the MBE/WBE based on the percentage set for the geographic reason where the research will take place.

Effective February 5, 2015, the EPA reporting provision changed the threshold for annual MBE/WBE reporting to $150,000, when certain types of budgeted procurement exceed this amount. Therefore, reports will only be filed each October for awards greater than the $150,000 threshold. If the total dollar amount for an agreement increases to more than $150,000, an annual report will be required.

3. Who prepares the form, what is the form name and number?  
The Supplier Diversity Program Manager files the EPA Form 5700-52A.

Searching for and finding diverse businesses

1. How do we find diverse businesses?  
See the Searching for Diverse Businesses? webpage.

2. How do we know they are certified as one of the diversity classification types mentioned in item 1?
• **BearBuy**: Once the diversity classifications are entered into BFS by the Vendoring Unit, the coding interfaces with BearBuy to create the icons for each type of diversity classification type.

• **System for Award Management (SAM)**: See the [Search for Suppliers on SAM Guide on the Searching for Diverse Businesses? webpage](#).

• **Supplier.io Explorer tool**: See the [Searching for Diverse Businesses? webpage](#)

3. What if a business appears to be small, but is not certified in SAM or the Explorer database?
   If a PI needs to procure from small businesses in order to fulfill Small Business Subcontracting goals for a plan, the business must get certified in SAM and complete a Substitute W-9 and Supplier Information form and mail or fax to UCB Vendoring unit.

4. Do certifications need to be renewed?
   Yes for federal registrations in SAM will send an annual email to renew.

**Supplier Diversity Training**

1. Where can I find training?
   UC Learning Center and website: [Supplier Diversity Training 1-2-3 webpage](#).

2. Who is the audience for this training?
   Specifically designed for PIs, RAs, and staff, anyone can access the training on the UC Learning Center. RAs should participate in the training as part of the RAPDP training curriculum.

3. Why are there multiple versions?
   The Supplier Diversity Program Manager worked with Kathy Mendonca and Jeremy Linneman to design the training as a required part of the RAPDPT training Program, called [ST6-Supplier Diversity Overview](#) which you can access when you authenticate into the UC Learning Center.

   The three module training on the Supplier Diversity website is an expanded more detailed training, from which the UC Learning Center training was developed.