

SUBPART 219.7—THE SMALL BUSINESS SUBCONTRACTING PROGRAM
(Revised October 14, 2014)

219.702 Statutory requirements.

(1) Section 834 of Pub. L. 101-189, as amended (15 U.S.C. 637 note), requires DoD to establish a test program to determine whether comprehensive subcontracting plans on a corporate, division, or plant-wide basis will reduce administrative burdens while enhancing subcontracting opportunities for small and small disadvantaged business concerns. See [PGI 219.702](#) for the requirements of the test program.

(2) Comprehensive subcontracting plans shall not be subject to application of liquidated damages during the period of the test program (Section 402, Pub. L. 101-574).

(3) The test program for negotiation of comprehensive small business subcontracting plans expires on December 31, 2014. See DoD [Class Deviation 2015-00006](#), Temporary Extension of the Test Program for Negotiation of Comprehensive Small Business Subcontracting Plans, issued on December 24, 2014. The class deviation changes the expiration date of the test program to December 31, 2017. This deviation is effective until incorporated in the FAR, DFARS, or otherwise rescinded.

219.703 Eligibility requirements for participating in the program.

(a) Qualified nonprofit agencies for the blind and other severely disabled, that have been approved by the Committee for Purchase from People Who Are Blind or Severely Disabled under 41 U.S.C. chapter 85, are eligible to participate in the program as a result of 10 U.S.C. 2410d and section 9077 of Pub. L. 102-396 and similar sections in subsequent Defense appropriations acts. Under this authority, subcontracts awarded to such entities may be counted toward the prime contractor's small business subcontracting goal.

(b) A contractor may also rely on the written representation as to status of—

(i) A historically black college or university or minority institution; or

(ii) A qualified nonprofit agency for the blind or other severely disabled approved by the Committee for Purchase from People Who Are Blind or Severely Disabled.

219.704 Subcontracting plan requirements.

(1) In those subcontracting plans which specifically identify small businesses, prime contractors shall notify the administrative contracting officer of any substitutions of firms that are not small business firms, for the small business firms specifically identified in the subcontracting plan. Notifications shall be in writing and shall occur within a reasonable period of time after award of the subcontract. Contractor-specified formats shall be acceptable.

(2) See [215.304](#) for evaluation of offers in acquisitions that require a subcontracting plan.

219.705 Responsibilities of the contracting officer under the subcontracting assistance program.

219.705-4 Reviewing the subcontracting plan.

(d) Challenge any subcontracting plan that does not contain positive goals. A small disadvantaged business goal of less than five percent must be approved one level above the contracting officer.

219.706 Responsibilities of the cognizant administrative contracting officer.

(a)(i) The contract administration office also is responsible for reviewing, evaluating, and approving master subcontracting plans.

(ii) The small business specialist supports the administrative contracting officer in evaluating a contractor's performance and compliance with its subcontracting plan.

219.708 Contract clauses.

(b)(1)(A) Except as provided in paragraph (b)(1)(B) of this section, use the clause at [252.219-7003](#), Small Business Subcontracting Plan (DoD Contracts)--

(1) In solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that contain the clause at FAR 52.219-9, Small Business Subcontracting Plan.

(2) With its Alternate I in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items, that use Alternate III of 52.219-9, Small Business Subcontracting Plan.

(B)(1) In prime contracts, including contracts using FAR part 12 procedures for the acquisition of commercial items, with contractors that have comprehensive subcontracting plans approved under the test program described in [219.702](#), use the clause at [252.219-7004](#), Small Business Subcontracting Plan (Test Program), instead of the clauses at [252.219-7003](#), Small Business Subcontracting Plan (DoD Contracts), and FAR 52.219-9, Small Business Subcontracting Plan.

(2) However, also include in the prime contract, solely for the purpose of flowing the clauses down to subcontractors --

(i) FAR clause 52.219-9, Small Business Subcontracting Plan, and [252.219-7003](#); or

(ii) When the contract will not be reported in FPDS (see FAR 4.606 (c)(5)), FAR clause 52.219-9, Small Business Subcontracting Plan with its

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Alternate III and [252.219-7003](#), Small Business Subcontracting Plan (DoD Contracts), with its Alternate I.

(2) In contracts with contractors that have comprehensive subcontracting plans approved under the test program described in [219.702](#), do not use the clause at FAR 52.219-16, Liquidated Damages--Subcontracting Plan.

(c)(1) Do not use the clause at FAR 52.219-10, Incentive Subcontracting Program, in contracts with contractors that have comprehensive subcontracting plans approved under the test program described in [219.702](#).

See DoD Class Deviation [2013-00014](#), Summary Subcontract Report Submissions, issued September 9, 2013. This class deviation shall be used in lieu of DFARS 252.219-7003. The purpose of the class deviation is to: (1) reduce the frequency for submission of the Summary Subcontract Report Submission (SSR) from biannual to annual; (2) eliminate the requirement for multiple SSR submissions for construction and related efforts under an Individual Subcontracting Plan; (3) change the entity to which the contractor submits the SSR from the DoD department or agency to DoD; and (4) eliminate the Year-End Supplementary Report for Small Disadvantaged Business and the report for Small Disadvantaged Participation. This deviation is effective until incorporated in the DFARS or rescinded.