

## Attachment-- DEAR Deviation Text

Additions are **[bracketed]**.

Deletions by ~~strikethrough~~.

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### **919.7001 Scope of subpart.**

The Department of Energy (DOE) Mentor-Protege Program is designed to encourage DOE prime contractors to assist small **[business concerns]** ~~disadvantaged firms certified by the Small Business Administration (SBA) under Section 8(a) of the Small Business Act (8(a)), other small disadvantaged businesses, women-owned small businesses, Historically Black Colleges and Universities, and other minority institutions of higher learning, and small business concerns owned and controlled by service-disabled veterans in enhancing their capabilities to perform contracts and subcontracts for DOE and other Federal agencies.~~ The program seeks to foster long-term business relationships between these small business entities and DOE prime contractors, and to increase the overall number of these small business entities that receive DOE contract and subcontract awards.

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### **919.7002 Definitions.**

*Small Business Concern* means a firm as defined in FAR Subpart 2.101.

*Historically Black Colleges and Universities (HBCUs)* means an institution determined by the Secretary of Education to meet the requirements of 34 CFR 608.2.

*Other minority institutions of higher learning* means an institution determined by the Secretary of Education to meet the requirements of 20 U.S.C. 1067k.

~~*Small business concern owned and controlled by service-disabled veterans* means a small business concern as defined in Public Law 106-50, Veterans Entrepreneurship and Small Business Development Act of 1999.~~

~~*Small disadvantaged business* means a small business concern owned and controlled by socially and economically disadvantaged individuals that meets the requirements of 13 CFR part 124, subpart B.~~

~~*Women-owned small business* means a small business concern that meets the requirements of 15 U.S.C. 637(d)(3)(D).~~

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### **919.7003 General policy.**

(a) DOE contractors eligible under 48 CFR 919.7005 may enter into agreements with **[small business concerns]** ~~[businesses certified by the SBA in the 8(a) Program, other small disadvantaged businesses, women-owned small businesses, HBCUs~~ **[Historically Black Colleges and Universities]**, **[and]** other minority institutions of higher learning, ~~and small business concerns owned and controlled by service disabled veterans~~ to provide those firms appropriate developmental assistance to enhance the capabilities of Proteges.

(b) Costs incurred by a Mentor to provide developmental assistance, as described in 919.7011, are allowable only to the extent that they are incurred in performance of a contract identified in the Mentor-Protege Agreement and are otherwise allowable in accordance with the cost principles applicable to that contract.

(c) Headquarters Office of Small and Disadvantaged Business Utilization (OSDBU) is the DOE Program Manager for the Mentor-Protege Program.

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### **919.7006 Incentives for DOE contractor participation.**

(a) Under cost-plus-award fee contracts, approved Mentor firms may earn award fees associated with their performance as a Mentor. The award fee plan may include provision for the evaluation of the contractor's utilization of **[small business concerns]**, ~~8(a) firms, other small disadvantaged businesses, women-owned small businesses, HBCUs, other minority institutions of higher learning and small business concerns owned and controlled by service disabled veterans.~~ DOE may evaluate the Mentor's performance in the DOE Mentor-Protege Program under any Mentor-Protege Agreement(s) as a separate element of the award fee plan.

(b) Mentors shall receive credit for subcontracts awarded pursuant to their Mentor-Protege Agreements toward subcontracting goals contained in their subcontracting plan.

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### **919.7007 Eligibility to be a Protege.**

(a) To be eligible for selection as a Protege, a firm must—

(1) Be a small business [as defined in 48 CFR 2.101,] ~~certified under Section 8(a) of the Small Business Act by SBA, other small disadvantaged business, a women-owned small business, HBCU~~ **[Historically Black College or University]**, or any other minority institution of higher learning, ~~or a small business concern owned and controlled by service disabled veterans; [.]~~

(2) Be eligible for receipt of government contracts;

(3) Have been in business for at least two (2) years prior to application for enrollment into the Mentor-Protege Program; and

(4) Be able to certify as a small business according to the **[North American Industry Classification System (NAICS)]** ~~Standard Industrial Code~~ for the services or supplies to be provided by the Protege under its subcontract with the Mentor.

(b) A prospective Mentor may rely in good faith on written representations by a prospective Protege that the Protege meets the requirements in paragraph (a) of this section.

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### **952.219-70 DOE Mentor-Protege program**

The Department of Energy has established a Mentor-Protege Program to encourage its prime contractors to assist **[small business concerns]** ~~firms certified under section 8(a) of the Small Business Act by SBA, other small disadvantaged businesses, women-owned small businesses, Historically Black Colleges and Universities and Minority Institutions, other minority institutions of higher learning and small business concerns owned and controlled by service disabled veterans~~ in enhancing their **[capabilities to perform contracts and subcontracts for DOE and other Federal agencies]** ~~business abilities~~. If the contract resulting from this solicitation is awarded on a cost-plus-award fee basis, the Contractor's performance as a Mentor may be evaluated as part of the award fee plan. Mentor and Protege firms will develop and submit "lessons learned" evaluations to DOE at the conclusion of the **[agreement]**~~contract~~. Any DOE contractor that is interested in becoming a Mentor should refer to the applicable regulations at 48 CFR 919.70 and should contact the Department of Energy's Office of Small and Disadvantaged Business Utilization.

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