

Attachment -- DEAR Deviation Text

Additions are [bracketed].

Deletions by ~~striketrough~~.

919.7001 Scope of subpart.

The Department of Energy (DOE) Mentor-Protégé Program is designed to encourage DOE prime contractors to assist small [business concerns, particularly socioeconomic small business concerns, including small] disadvantaged [business (SDB) concerns, Historically Underutilized Business Zone (HUBZone) small business concerns, economically disadvantaged women-owned small business (EDWOSB) /] ~~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 [(WOSB) concerns, and service-disabled veteran-owned small business (SDVOSB) concerns], [and] Historically Black Colleges and Universities [(HBCU)], and other minority institutions [(MI)], ~~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.

919.7002 Definitions.

[Economically disadvantaged women-owned small business (EDWOSB) concern means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States and who are economically disadvantaged in accordance with 13 CFR part 127, and the concern is certified by SBA or an approved third-party certifier in accordance with 13 CFR 127.300. It automatically qualifies as a women-owned small business (WOSB) concern eligible under the WOSB Program.]

Historically Black Colleges and [or] Universit[ies] (HBCUs) means an institution determined by the Secretary of Education to meet the requirements of 34 CFR 608.2.

[HUBZone small business concern means a small business concern that meets the requirements described in 13 CFR 126.200, is certified by the Small Business Administration (SBA) and designated by SBA as a HUBZone small business concern in the Dynamic Small Business Search (DSBS) (13 CFR 126.103). SBA's designation also appears in SAM.]

Other m[ini]ority institutions of higher learning means an institution ~~determined by the Secretary of Education to~~ [of higher education] meet[ing] the requirements of [Section 365(3) of

the Higher Education Act of 1965 (20 U.S.C. 1067k), including a Hispanic-serving institution of higher education, as defined in Section 502(a) of the Act (20 U.S.C. 1101a)].

~~Small business concern owned and controlled by s~~**[S]ervice-disabled veterans**~~[-owned small business (SDVOSB) concern]~~ means a small business concern~~[-]~~ as defined in Public Law 106-50, Veterans Entrepreneurship and Small Business Development Act of 1999

[(1) (i) Not less than 51 percent of which is owned and controlled by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran; or

(2) A small business concern eligible under the SDVOSB Program in accordance with 13 CFR part 128 (see subpart 19.14).

(3) *Service-disabled veteran*, as used in this definition, means a veteran as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16), and who is registered in the Beneficiary Identification and Records Locator Subsystem, or successor system that is maintained by the Department of Veterans Affairs' Veterans Benefits Administration, as a service-disabled veteran].

Small disadvantaged business **[concern consistent with 13 CFR 124.1001,]** 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~~ **[under the size standard applicable to the acquisition, that:**

(1) Is at least 51 percent unconditionally and directly owned (as defined at 13 CFR 124.105) by—

(i) One or more socially disadvantaged (as defined at 13 CFR 124.103) and economically disadvantaged (as defined at 13 CFR 124.104) individuals who are citizens of the United States; and

(ii) Each individual claiming economic disadvantage has a net worth not exceeding the threshold at 13 CFR 124.104(c)(2) after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

(2) The management and daily business operations of which are controlled (as defined at 13 CFR 124.106) by individuals who meet the criteria in paragraphs (1)(i) and (ii) of this definition].

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

(1) A small business concern—

(i) That is at least 51 percent owned by one or more women; or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(ii) Whose management and daily business operations are controlled by one or more women; or

(2) A small business concern eligible under the Women-Owned Small Business Program in accordance with 13 CFR part 127 (see subpart 19.15).

919.7003 General policy.

(a) DOE contractors eligible under 48 CFR 919.7005 may enter into agreements with [small business concerns, particularly socioeconomic small business concerns, including SDBs, HUBZone small business concerns, EDWOSB/WOSB concerns, SDVOSB concerns, and] ~~businesses certified by the SBA in the 8(a) Program, other small disadvantaged businesses, women-owned small businesses, HBCUs/[MIs], 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 Protégés. [Although the DOE Mentor-Protégé Program is open to all small business concerns, to achieve the goals of providing firms with appropriate developmental assistance to enhance their capabilities, including their ability to successfully compete for business with the Federal Government as prime contractors, DOE has a strong preference for firms in the socioeconomic categories identified above and HBCUs/MIs for protégés.]

(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-Protégé 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-Protégé Program.

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, SDBs, HUBZone small business concerns, EDWOSB/WOSB concerns, SDVOSB concerns] ~~8(a) firms, other small disadvantaged businesses, women-owned small businesses, [and] HBCUs/[MIs], 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-Protégé Program under any Mentor-Protégé Agreement(s) as a separate element of the award fee plan.

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

919.7007 Eligibility to be a Protégé.

(a) To be eligible for selection as a Protégé, a firm must -

(1) Be a small business, ~~[an SDB, a HUBZone small business, an EDWOSB/WOSB, a SDVOSB (see 48 CFR 2.101 for definitions), or]certified under Section 8(a) of the Small Business Act by SBA, other small disadvantaged business, a women-owned small business, [a] HBCU[MI (see 48 CFR 26.3 for definitions)], 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 ~~[consideration]enrollment~~ into the Mentor-Protégé Program; and

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

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

919.7010 Contents of Mentor-Protégé Agreement.

The proposed Mentor-Protégé Agreement must contain -

(a) Names, addresses and telephone numbers of Mentor and Protégé firms and a point of contact within each firm who will oversee the Agreement;

(b) Requirements for the Mentor firm or the Protégé firm to notify the other entity, DOE Headquarters OSD BU, and the contracting officer in writing at least 30 days in advance of the Mentor firm's or the Protégé firm's intent to voluntarily terminate or withdraw from the Mentor-Protégé Agreement (such termination would not terminate any existing subcontract between the Mentor and the Protégé ;

(c) A description of the form of developmental assistance program that will be provided by the Mentor to the Protégé firm, including a description of any subcontract work, and a schedule for providing the assistance and the criteria for evaluation of the Protégé's developmental success (919.7011);

(d) A listing of the number and types and estimated amount of subcontracts to be awarded to the Protégé firm;

(e) Term of the Agreement;

[Note: the term (length) of the Agreement may not exceed an initial period of two years; however, the initial term may be extended in one-year increments for up to a total period not exceeding five years, with each one-year extension subject to the approval of DOE's Office of Small and Disadvantaged Business Utilization (OSDBU) and the contracting officer. In evaluating potential extensions to the term of the Agreement, the OSDBU will consider the degree to which the Agreement is promoting the accomplishment of the objectives of DOE's Mentor-Protégé Program, as described in this subpart.]

(f) Procedures to be invoked should DOE terminate its recognition of the Agreement for good cause (such termination of DOE recognition would not constitute a termination of the subcontract between the Mentor and the Protégé);

(g) Provision for the Mentor firm to submit to the DOE Mentor-Protégé Program Manager a "lessons learned" evaluation developed by the Mentor at the conclusion of the Mentor-Protégé Agreement;

(h) Provision for the submission by the Protégé firm of a "lessons learned" evaluation to the DOE Mentor-Protégé Program Manager at the conclusion of the Mentor-Protégé Agreement;

(i) Description of how the development assistance will potentially increase subcontracting opportunities for the Protégé firm;

(j) Provision for the Mentor firm to brief the DOE Mentor-Protégé Program Manager, the technical program manager(s), and the contracting officer at the conclusion of each year in the Mentor-Protégé Program regarding program accomplishments as pertains to the approved Agreement (where possible, this review may be incorporated into the normal program review for the Mentor's contract);

(k) Recognition that 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-Protégé Agreement and are otherwise allowable in accordance with the cost principles applicable to that contract (the DOE Mentor-Protégé Program has no appropriation for paying for developmental assistance); and

(l) Other terms and conditions, as appropriate.

919.7012 Review and approval process of agreement by OSDBU.

(a) OSDBU will review the proposed Mentor-Protégé Agreement under 919.7010 and will complete its review and assessment no later than 30 days after receipt. [In its assessment, OSDBU will consider criteria such as the Protégé's experience (including dollar value of contracts/subcontracts) at DOE and/or other federal agencies under same or similar proposed scope areas; any past and currently proposed protégé developmental needs, input from Site Program Official and contracting officer.] OSDBU will provide a copy of its assessment to the cognizant DOE technical program manager and contracting officer for review and concurrence.

(b) If OSDBU approves the Agreement, the Mentor may implement the developmental assistance program.

(c) Upon finding deficiencies that DOE considers correctable, the OSDBU will notify the Mentor and request information to be provided within 30 days that may correct the deficiencies. The Mentor may then provide additional information for reconsideration. The review of any supplemental material will be completed within 30 days after receipt by the OSDBU and the Agreement either approved or disapproved.

952.219-70 DOE Mentor-Protégé program (DEVIATION)

In accordance with 919.7014 insert the following provision in applicable solicitations.

DOE Mentor-Protégé Program (DEVIATION) (~~MAY 2000~~**[JAN 2025]**)

The Department of Energy has established a Mentor-Protégé Program to encourage its prime contractors to assist **[small business concerns, particularly socioeconomic small business concerns, including]** ~~firms certified under section 8(a) of the Small Business Act by SBA, other~~ small disadvantaged businesses **[(SDB) concerns, Historically Underutilized Business Zone (HUBZone) small business concerns, economically disadvantaged women-owned small business (EDWOSB) /]** women-owned small businesses **[(WOSB) concerns, and service-disabled veteran-owned small business (SDVOSB) concerns], [and]** Historically Black Colleges and Universities **[(HBCU)]** and Minority Institutions **[(MI)]**, ~~other minority institutions of higher learning and small business concerns owned and controlled by service-disabled veterans in enhancing their business abilities~~ in enhancing **their [capabilities to perform contracts and subcontracts for DOE and other Federal agencies]**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 Protégé 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.

Conformed Clause

952.219-70 DOE Mentor-Protégé program (DEVIATION)

In accordance with 919.7014 insert the following provision in applicable solicitations.

DOE Mentor-Protégé Program (DEVIATION) (JAN 2025)

The Department of Energy has established a Mentor-Protégé Program to encourage its prime contractors to assist small business concerns, particularly socioeconomic small business concerns, including small disadvantaged businesses (SDB) concerns, Historically Underutilized Business Zone (HUBZone) small business concerns, economically disadvantaged women-owned small business (EDWOSB) / women-owned small businesses (WOSB) concerns, and service-disabled veteran-owned small business (SDVOSB) concerns, and Historically Black Colleges and Universities (HBCU) and Minority Institutions (MI) in enhancing their capabilities to perform contracts and subcontracts for DOE and other Federal agencies. 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 Protégé firms will develop and submit "lessons learned" evaluations to DOE at the conclusion of the agreement. 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.