

19.705-6 Postaward responsibilities of the contracting officer.

After a contract or *contract modification* containing a subcontracting plan is awarded or an existing subcontracting plan is amended, the *contracting officer* shall do the following:

(a) Notify the SBA of the award by sending a copy of the award document to the Area Director, Office of Government *Contracting*, in the SBA area office where the contract will be performed.

(b) Forward a copy of each commercial plan and any associated approvals to the Area Director, Office of Government *Contracting*, in the SBA area office where the contractor's headquarters is located.

(c) Give to the SBA *procurement* center representative (or, if a *procurement* center representative is not assigned, see 19.402(a)) a copy of-

(1) Any subcontracting plan submitted in response to a sealed bid *solicitation*; and

(2) The final negotiated subcontracting plan that was incorporated into a negotiated contract or *contract modification*.

(d) Notify the SBA *procurement* center representative (or, if a *procurement* center representative is not assigned, see 19.402(a)) of the opportunity to review subcontracting plans in connection with *contract modifications*.

(e) Forward a copy of each plan, or a determination that there is no requirement for a subcontracting plan, to the cognizant *contract administration office*.

(f) Monitor the prime contractor's compliance with its subcontracting plan, to include the following:

(1) Ensure that subcontracting reports are submitted into the eSRS within 30 days after the report ending date (*e.g.*, by October 30 th for the fiscal year ended September 30 th).

(2) Review ISRs, and where applicable, SSRs, in eSRS within 60 days of the report ending date (*e.g.*, by November 30 th for a report submitted for the fiscal year ended September 30 th).

(3) Either acknowledge receipt of or reject the reports in accordance with subpart 19.7, 52.219-9, Small Business Subcontracting Plan, and the eSRS instructions (www.esrs.gov).

(i) The authority to acknowledge or reject SSRs for commercial plans resides with the *contracting officer* who approved the commercial plan.

(ii) If a report is rejected, the *contracting officer* must provide an explanation for the rejection to allow the prime contractor the opportunity to respond specifically to identified deficiencies.

(g) Evaluate the prime contractor's compliance with its subcontracting plan, to include the following:

(1) Assess whether the prime contractor made a good faith effort to comply with its small business subcontracting plan. See 19.705-7(b) for more information on the determination of good faith effort.

(2) Assess the prime contractor's written explanation concerning the prime contractor's failure to

use a small business *concern* in the performance of the contract in the same scope, amount, and quality used in preparing and submitting the bid or proposal, if applicable.

(h) Initiate action to assess liquidated damages in accordance with 19.705-7 upon a recommendation by the administrative *contracting officer*, if one is assigned, or receipt of other reliable evidence to indicate that assessing liquidated damages is warranted.

(i) Take action to enforce the terms of the contract upon receipt of a notice from the *contract administration office* under 19.706(f).

(j) Acknowledge receipt of or reject the ISR and the SSR in the eSRS. Acknowledging receipt does not mean acceptance or approval of the report. The report *shall* be rejected if it is not adequately completed, for instance, if there are errors, omissions, or incomplete data. Failure to meet the goals of the subcontracting plan is not a valid reason for rejecting the report.

Parent topic: 19.705 Responsibilities of the contracting officer under the subcontracting assistance program.