accordance with 13 CFR 124.601 through 124.610. Protests challenging a subcontractor's status as a womenowned small business concern shall be filed in accordance with Small Business Administration procedures.

42. Section 19.704 is amended by revising paragraphs (a)(1), (a)(3), (a)(4), (a)(6), and (b) to read as follows:

19.704 Subcontracting plan requirements.

- (a) * * *
- (1) Separate percentage goals for using small business concerns, small disadvantaged business concerns and women-owned small business concerns as subcontractors;

* * * * *

- (3) A description of the efforts the offeror will make to ensure that small business concerns, small disadvantaged business concerns and women-owned small business concerns will have an equitable opportunity to compete for subcontracts;
- (4) Assurances that the offeror will include the clause at 52.219–8, Utilization of Small, Small Disadvantaged and Women-owned Small Business Concerns (see 19.708(b)), in all subcontracts that offer further subcontracting opportunities, and that the offeror will require all subcontractors (except small business concerns) that receive subcontracts in excess of \$500,000 (\$1,000,000 for construction) to adopt a plan similar to the plan required by the clause at 52.219-9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (see 19.708(c));
- (6) A recitation of the types of records the offeror will maintain to demonstrate procedures adopted to comply with the requirements and goals in the plan, including establishing source lists; and a description of the offeror's efforts to locate small, small disadvantaged and women-owned small business concerns and to award subcontracts to them.
- (b) Contractors may establish, on a plant or division wide basis, a master subcontracting plan which contains all the elements required by the clause at 52.219–9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan, except goals. Master plans shall be effective for a 1-year period after approval by the contracting officer; however, a master plan when incorporated in an individual plan shall apply to that contract throughout the life of the contract.

* * * * *

19.705-1 [Amended].

43. Section 19.705–1 is amended in the first sentence by removing the phrase "for Small and Small Disadvantaged Business Concerns".

44. Section 19.705–4 is amended by revising the last sentences of paragraphs (b) and (c); the first sentence of paragraphs (d)(1) and (d)(5); and revising (d)(4) to read as follows:

19.705–4 Reviewing the subcontracting plan.

* * * * *

- (b) * * * If the plan, although responsive, evidences the bidder's intention not to comply with its obligations under the clause at 52.219–8, Utilization of Small, Small Disadvantaged and Women-owned Small Business Concerns, the contracting officer may find the bidder nonresponsible.
- nonresponsible.

 (c) * * * An incentive subcontracting clause (see 52.219–10, Incentive Subcontracting Program), may be used when additional and unique contract effort, such as providing technical assistance, could significantly increase subcontract awards to small, small disadvantaged or women-owned small businesses.
- (d) * * * (1) Evaluate the offeror's past performance in awarding subcontracts for the same or similar products or services to small, small disadvantaged and women-owned small business concerns. * *
- (4) Evaluate subcontracting potential, considering the offeror's make-or-buy policies or programs, the nature of the products or services to be subcontracted, the known availability of small, small disadvantaged and womenowned small business concerns in the geographical area where the work will be performed, and the potential contractor's long-standing contractual relationship with its suppliers.
- (5) Advise the offeror of available sources of information on potential small, small disadvantaged and womenowned small business subcontractors, as well as any specific concerns known to be potential subcontractors. * * *

19.705-7 [Amended].

45. Section 19.705–7 is amended—
a. in the first sentence of paragraph (a)
by removing the word "and" the first
time it is used and replacing it with a
comma; and adding the phrase "and
women-owned small" after the word
"disadvantaged":

"disadvantaged";
b. in the third sentence of paragraph
(d) by removing the words "business
and" and replacing them with a comma;

and adding the phrase "and womenowned small" after the word "disadvantaged";

- c. in paragraph (f) by removing the words "Business and" and replacing them with a comma; and adding the phrase "and Women-Owned Small" after the word "Disadvantaged".
- 46. Section 19.706 is amended by revising paragraphs (a)(2) and (a)(3) to read as follows:

19.706 Responsibilities of the cognizant administrative contracting officer.

(a) * * *

- (2) Information on the extent to which the contractor is meeting the plan's goals for subcontracting with eligible small, small disadvantaged and womenowned small business concerns;
- (3) Information on whether the contractor's efforts to ensure the participation of small, small disadvantaged and women-owned small business concerns are in accordance with its subcontracting plan;

 * * * * * * *
- 47. Section 19.708 is amended by revising paragraph (a) introductory text, (b) and (c) to read as follows:

19.708 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the clause at 52.219–8, Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns, in solicitations and contracts when the contract amount is expected to be over the simplified acquisition threshold in 13.000 unless—

(b)(1) The contracting officer shall, when contracting by negotiation, insert the clause at 52.219-9, Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan, in solicitations and contracts that (i) offer subcontracting possibilities, (ii) are expected to exceed \$500,000 (\$1,000,000 for construction of any public facility), and (iii) are required to include the clause at 52.219-8, Utilization of Small, Small Disadvantaged and Women-Owned Small Business Concerns, unless the acquisition has been set-aside or is to be accomplished under the 8(a) program. When contracting by sealed bidding rather than by negotiation, the contracting officer shall use the clause with its Alternate I.

(2) The contracting officer shall insert the clause at 52.219–16, Liquidated Damages—Subcontracting Plan, in all solicitations and contracts containing the clause at 52.219-9, Small, Small Disadvantaged and Women-Owned