



***Safety-Kleen Systems, Inc.***

**2021 COMMERCIAL**

**SMALL BUSINESS SUBCONTRACTING PLAN**

**COMPANY:** Safety-Kleen Systems, Inc.  
**PARENT:** Clean Harbors, Inc.  
**ADDRESS:** 1651 N. Glenville, Suite 210  
**CITY, STATE, ZIP:** Richardson, TX 75081-1956  
**DATE PREPARED:** October 9, 2020  
**CAGE CODE:** 1NLB2 **DUNS:** 053976551  
**NAICS CODE:** 562112 – Hazardous Waste Collections  
562219 – Waste Treatment and Disposal  
**PLAN PERIOD:** January 1, 2021 through December 31, 2021

**PROJECTED 2021 Sales:** Safety-Kleen Systems, Inc., a Clean Harbors company, is a public company and does not provide revenue projections or guidance to the public. EBITDA and revenue results from 2020, as well as previous years, can be found at [www.safety-kleen.com](http://www.safety-kleen.com) or at [www.cleanharbors.com](http://www.cleanharbors.com)

**Safety-Kleen Systems, Inc., a Clean Harbors company** ("*Safety-Kleen*"), 1651 Glenville Drive, Suite 210, Richardson, TX 75081-1956, implements this Commercial Small Business Subcontracting Plan ("*Commercial Plan*") for its hazardous waste collections and waste treatment and disposal services business. This Commercial Plan follows the requirements laid out in the Federal Acquisition Regulation (FAR) Subpart 19.7. As used in this plan, the term "commercial item" is a product or service that satisfies the definition of a commercial item in section 8001 of FASA (41 U.S.C.403) and the Federal Acquisition Regulation (FAR) Parts 2 and 12.

The *Safety-Kleen's* Corporate Small Business Supplier Development Program (SBSDP) recognizes the responsibility of *Safety-Kleen*, since it is a large business, to assist in the development and use of Small Business Concerns (SB), including Small Disadvantaged Business Concerns (SDB), Women-Owned Small Business Concerns (WOSB), HUBZone Small Business Concerns (HUBZone), Veteran-Owned Small Business Concerns (VOSB), Service-Disabled Veteran-Owned Small Business Concerns (SD/VOSB), Alaska Native Corporations (ANCs) and Indian Tribe Owned Small Business concerns.

*Safety-Kleen's* Purchasing Department recognizes its role as the primary provider of products and services to the corporation. The Purchasing Department buyers are therefore integral agents for continual improvement in the corporate wide use of small businesses. *Safety-Kleen's* employees follow the corporate initiated Small Business Supplier Development Program Plan in complying with federal government subcontracting requirements regarding the use of small business concerns, small disadvantaged business concerns, small women- owned business concerns, HUBZone small business concerns; veteran-owned small business concerns and service-disabled veteran owned small business concerns to the maximum practicable extent.

This Plan is submitted pursuant to the requirements of Public Law 95-507, as implemented by the Federal Acquisition Regulation Part 19; more specifically, FAR 52.219-8 Utilization of Small Business Concerns, FAR 52.219-9, Small Business Subcontracting Plan.

- a) The HUBZone Empowerment Contracting Program, which enacted into law as part of the Small Business Reauthorization Act of 1997.
- b) Section 7106 of FASA (Public Law 103-355) established a 5% woman owned small business goal.
- c) PL 105-85 added the HUBZONE small business goal, now 3% of the value of all prime contract awards.
- d) H.R. 2297 "Veterans Benefit Act of 2003, Public Law 108-183".

This Plan identifies the methods and procedures that will be used by *Safety-Kleen* to identify sources for solicitation purposes and implement its Small Business Supplier Development Program. *Safety-Kleen* includes all subcontracts that contribute to contract performance and includes those products and services that are normally allocated as indirect costs. The *Safety-Kleen's* PeopleSoft Purchasing database segregates all Vendors by business size.

**I. GOALS AND PERCENTAGES:**

All goals and percentages are derived from *Safety-Kleen's* total 2020 spend.

***2021 Projected spend \$ 305,595,000.***

2021 Projected spend with 8(a), Small Business, Small Disadvantaged Business, Woman-Owned Small Business, Veteran-Owned Small Business, Service Disabled/Veteran-Owned Small Business, and Historically Underutilized Business Zone Small Business concerns.

***2021 Projected Diversity spend \$ 85,566,600.***

**“GOAL” of 28% of projected spend for 2021 for Small Business Concerns**

*Safety-Kleen* will make a “good faith effort” to increase expenditures with small businesses during calendar year 2021 as indicated in the following chart.

<b>Category</b>	<b>Spend by Dollars</b>	<b>Spend by Percentage</b>
<b>SB - Small Business</b>	<b>\$85,566,600</b>	<b>28%</b>
<b>SDB - Small Disadvantaged Business</b>	<b>\$6,111,900</b>	<b>2%</b>
<b>WOSB – Woman Owned Small Business</b>	<b>\$7,639,875</b>	<b>2.5%</b>
<b>VOSB – Veteran Owned Small Business</b>	<b>\$3,361,545</b>	<b>1.1%</b>
<b>SD/VOSB - Service Disabled/Veteran Owned Small Business</b>	<b>\$305,595</b>	<b>0.1%</b>
<b>HUBZone SB – Historically Underutilized Business Zone Small Business</b>	<b>\$1,925,249</b>	<b>0.63%</b>
<b>OTSB – Other Than Small Business, (includes Large)</b>	<b>\$220,028,400</b>	<b>72%</b>

## **II. A DESCRIPTION OF THE METHOD USED TO DEVELOP THE SUBCONTRACTING GOALS (FAR19.704(a)(4) and the Clause at 52.219-9(d)(4))**

The subcontracting goals set forth in this plan were established by analyzing total purchasing dollars and the percent of current contracting. These existing spend rates were used to develop a projection of future spend rates with support of the corporate Small Business Supplier Development Program.

The method used to develop subcontracting goals involves determining which supplies and/or services can be provided by sources outside of the *Safety-Kleen's* corporate umbrella. After "make or buy" decisions are made, subcontracting opportunities are determined. The actual experience of 2018, 2019 and 2020 plays a major role in determining its goals for this fiscal year.

*Safety-Kleen* anticipated goals for fiscal year 2021 for Small Disadvantaged Businesses and Woman-Owned Small Business are less than 5% while our HUBZone and Service-Disabled Veteran Owned goals are less than the 3% mandated by Public Law. Based on the projected provided subcontracted services represented in the aforementioned chart above; the drawing pool that specializes in *Safety-Kleen* provided services is not yet that sizable nor diverse. Service-Disabled Veteran Owned and HUBZone businesses are an emerging business category and the Federal Government itself, has yet to make the mandated Public Law goals. As for the Women-Owned Small Business and Small Disadvantaged Businesses for the Transportation and Disposal Services arena, they are primarily brokers. Constantly using brokers does not provide a price benefit to our customers and jeopardizes increased revenue for *Safety-Kleen* which in turn would jeopardize subcontracted dollars across the board. *Safety-Kleen* is aware of this and does make every effort when possible to subcontract work to the aforementioned Small Business subsets.

## **III. ASSIGNMENT OF SIZE STANDARDS TO SUBCONTRACTS (FAR 52.219-9(d)(5))**

*Safety-Kleen* agrees to assign North American Industry Classification System (NAICS) codes to subcontracts and further agrees to provide socio-economic status of the successful subcontractor in the notification to the unsuccessful offerors for the subcontract.

## **IV. A DESCRIPTION OF THE METHOD USED TO IDENTIFY POTENTIAL SOURCES FOR SOLICITATION PURPOSES (FAR 19.704(a)(5) and Clause 52.219-9(d)(5))**

*Safety-Kleen* develops its own in-house source list of potential vendors, suppliers, and subcontractors. The source list includes those business concerns that have been found to be acceptable by *Safety-Kleen's* Purchasing Department and is not on any Government or customer debarred vendor list. The list is continually updated to include new vendors. To expand the source list, *Safety-Kleen* receives input from its employees, other contractors, attends trade shows, and refers to publications and vendor databases such as the Small Business Administration at [www.sba.gov](http://www.sba.gov) or the System for Award Management site at [www.sam.gov](http://www.sam.gov).

*Safety-Kleen* also contacts federal and state agencies such as Minority Business Development Centers, Procurement Technical Assistance Centers (PTACs), and other Small Business Liaison Officers (SBLOs) as ways to expand its knowledge of small, small disadvantaged, women-owned small business concerns, Veteran and Service-disabled Veteran small business concerns, HUBZone small business concerns and Alaska Native Corporations and Indian Tribes that have not been certified by the Small Business Administration as Small Disadvantaged Businesses owned small businesses.

Opportunities for using Historically Black Colleges and Universities (HBCUs) and Minority Institutions (MIs) are investigated from time to time, but opportunities for academic research institutions are generally limited by the nature of our line of business and the programs offered at the undergraduate level in such colleges and universities.

## **V. INDIRECT COST (FAR Clause 52.219-9(d)(6))**

Indirect costs are included in establishing subcontracting goals. Since business size is part of the data in the *Safety-Kleen's* Purchasing database, dollars spent with such firms are associated with the appropriate business size and allocated to individual customers in the same way direct dollars are allocated.

## **VI. PRINCIPLE TYPES OF SUPPLIES AND SERVICES TO BE SUBCONTRACTED:**

The following types of supplies and services are to be subcontracted:

Transportation Services, TSDFs for Recycling, Health and Safety Supplies, Computer Products and Services, Drum Manufacturers, Analytical Services, MIS Products and Services, and Roll Off Rental.

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**Top Ten NAICS Codes Description and Breakdown by Category**

<b>NAICS CODE</b>	<b>NAICS DESCRIPTION</b>
541380	Testing Laboratories / Analytical Services
562910	Remediation Services
423830	Industrial Machinery and Equipment Merchant Wholesalers
238990	All Other Specialty Trade Contractors
425120	Wholesale Trade Agents and Brokers
238210	Electrical Contractors (pt)
236220	Commercial and Institutional Building Construction
334513	Instrument and Related Products Manufacturing
423830	Industrial Machinery and Equipment Merchant Wholesalers
238220	Plumbing, Heating and Air-conditioning Contractors (pt)

<b>Category</b>	<b>236220</b>	<b>238210</b>	<b>238220</b>	<b>238999</b>	<b>334513</b>	<b>423830</b>	<b>423840</b>	<b>425120</b>	<b>541380</b>	<b>562910</b>
<b>SB</b>	X	X	X	X	X	X	X	X	X	X
<b>SDB</b>				X				X	X	X
<b>WOSB</b>	X		X	X	X		X	X	X	
<b>VOSB</b>	X	X		X	X	X		X		
<b>SD/VOSB</b>				X						
<b>HUBZONE</b>	X			X						X

## VII. INDIVIDUAL(S) EMPLOYED BY THE OFFEROR TO ADMINISTER THE SUBCONTRACTING PROGRAM AND DUTIES (FAR 19.704(a)(7) and Clause 52.219-9(d)(7))

*Safety-Kleen* designates **Connie D. Miller**, as its Manager, Small Business Liaison Officer (SBLO) and Consulting SBA. She can be reached at (972) 265-2381. Her fax number is (972) 767-4764. The Manager, Small Business Liaison Officer (SBLO) and Consulting SBA's duties are not limited to but include the following: (FAR 52.219-9(e))

- 1) Develop business relationships with small, small disadvantaged, small woman-owned, veteran and service-disabled veteran, and HUBZone small business concerns to include the establishment of *Mentoring Business Agreements* (MBAs) where such relationships will help the protégé nurture its business plan.
- 2) Assist the Purchasing Department to develop and maintain vendor source lists.
- 3) Make sure procedures are in place to ensure small businesses of every category are given an opportunity to compete for products and services they are capable of providing.
- 4) Assist the *Safety-Kleen* Buyers, as requested in identifying new sources and ensuring the business size of new vendors is coded into the PeopleSoft Financial software database. Those business sizes are large business, small business, small disadvantaged business, woman-owned small business, HUBZone small business, and veteran and service-disabled veteran small business.
- 5) Assure maintenance of required records. One copy of Subcontracting Plan goals will be kept with Corporate Purchasing. One copy of the Commercial Subcontracting Plan and all (eSRS-SSR), Summary Subcontract Reports for all covered contracts will be kept by the SBLO.
- 6) Assure required submittal of the yearly SSRs by requesting purchasing statistics by Vendor Business Size from the *Safety-Kleen's* PeopleSoft Accounting database for the reporting period. The PeopleSoft automated, integrated purchasing and invoicing system, maintained by the accounting department, keys vendor classification to vendor number, enabling reports for each vendor classification. Assure annual input of the SSR via [www.esrs.gov](http://www.esrs.gov) in accordance with agency regulations and instructions. An Executive Officer of *Safety-Kleen* will sign the SSR.
- 7) Serve as liaison with customer representatives in matters concerning *Safety-Kleen's* Subcontracting Program.
- 8) Instruct *Safety-Kleen's* employees about the *Safety-Kleen* Small Business Program and their responsibilities regarding the Commercial Plan and Public Law 95-507.
- 9) Monitor the attainment of proposed subcontracting goals by reviewing purchasing data. Act to correct deficiencies by reminding appropriate personnel of the goals identified in the Commercial Plan.

- 10) Ensure that subcontract procurement "packages" are designed to permit the maximum practicable opportunity of small, small disadvantaged, women-owned small, veteran-owned small, service disabled veteran-owned small business, HUBZone small business or Alaska Native Corporations and Indian Tribes owned small business participation. Confirm that the self-identified HubZones are certified by SBA in accordance with FAR 52.219-8(d)(2).
- 11) Review subcontract solicitations to remove statements, clauses, etc., that might tend to restrict or prohibit small, small disadvantaged, women owned small, veteran-owned small, service disabled veteran-owned small business, HUBZone or Alaska Native Corporations and Indian Tribes owned small business participation.
- 12) Ensure that Buyers document their reasons for not selecting any low bids
- 13) Attend or arrange for the attendance of company counselors at Business Opportunity Workshops, minority business enterprise seminars, trade fairs, etc.
- 14) Directly or indirectly counsel such small businesses on subcontracting opportunities and how to prepare responsive bids to *Safety-Kleen* in accordance with PL 99-661, Section 1207.
- 15) Work with the Purchasing Manager in establishing an incentive program of some type that benefits buyers that support the subcontracting program.
- 16) Monitor *Safety-Kleen's* performance and make adjustments in the program to achieve the subcontract plan goals, as reasonably possible.
- 17) Coordinate *Safety-Kleen's* participation during compliance reviews by Federal agencies.
- 18) Look into to possible Mentor Protégé Programs through DOD and Civilian Agencies.

## **VII. EQUITABLE OPPORTUNITY: (FAR 19.704(a)(8) and Clause 52.219-9(d)(8))**

Safety-Kleen Systems, Inc. will make every effort to ensure that all small business concerns have an equitable opportunity to compete for subcontracts. These efforts may include one or more of the following activities:

- ❖ Outreach efforts to obtain sources:
  - Contacting minority and small business trade associations
  - Contact business development organizations
  - Requesting sources from the SBA's Dynamic Small Business Search ([//web.sba.gov/pro-net/search/dsp\\_dsbs.cfm](http://web.sba.gov/pro-net/search/dsp_dsbs.cfm)) and/or the SAM.gov database
  - Attend small and minority business trade fairs and procurement conferences



- ❖ Internal efforts to guide and encourage purchasing personnel:
  - Present training programs
  - Establishing, maintaining and using small, HUBZone small, small disadvantaged, women-owned small, veteran-owned small, and service-disabled veteran-owned small business source lists, guides, and other data for soliciting subcontracts
  - Monitoring activities to evaluate compliance with the subcontracting plan

## **IX. FLOWDOWN (FAR 19.704(a)(9) and Clause 52.219-9(d)(9))**

*Safety-Kleen* will include FAR Clause 52.219-9(d)(9) and 19.704(a)(9) Utilization of Small Business Concerns Clause is required in all subcontracts that offer further subcontracting opportunities. *Safety-Kleen* will also require all subcontractors, except small businesses, who receive subcontracts in excess of \$750,000 (\$1.5 million for construction of any public facility with further subcontracting possibilities) to submit a subcontracting plan for *Safety-Kleen* approval conforming to above FAR Clause.

## **X. SUBMITTAL OF FORMS**

*Safety-Kleen* will comply in accordance with FAR 19.704(a)(10) and clause 52.219(d)(10). *Safety-Kleen* will cooperate in studies and surveys as required by contracting agencies or the Small Business Administration and Defense Contract Management Agency to determine the extent of its subcontracting program compliance. *Safety-Kleen* will submit reports as required in the FAR for Commercial Subcontracting Plans, including preparation and submission of SSRs on an annual basis, to allow the government to determine the extent of compliance with its Commercial Subcontracting Plan. *Safety-Kleen* will request SSR reports from any subcontractor that is required to submit a subcontracting plan.

Reports will be submitted within 30 days after the close of each calendar period as indicated in the following charts:

<u>Calendar Period</u>	<u>Report Due</u>	<u>Due Date</u>
10/01 – 09/30	SSR	10/30

## **XI. RECORDS TO BE MAINTAINED**

In accordance with FAR 19.704(a)(11) and clause 52.219-9(d)(11) The following records will be maintained by the Manager, SBLO and Consulting SBA:

- (a) Source lists, including, but not limited to government-maintained web pages and business directories.
- (b) List (s) of organizations used to locate Small Business Concerns (SB), including Small Disadvantaged Business Concerns (SDB), Women- Owned Small Business Concerns (WOSB), HUBZone Small Business Concerns (HUBZone), Veteran Owned Small Business Concerns (VOSB), Service-Disabled Veteran Owned Small Business Concerns (SD/VOSB) and Alaska Native Corporations (ANCs) and Indian Tribe Owned Small Business.

(c) Records on all subcontracts over \$150,000 indicating

1) Whether small, small disadvantaged, small women-owned, small HUBZone, small veteran-owned or service-disabled veteran business was solicited and if not, why not; and

2) If applicable, the reason award was not made to such business concern

(d) Records of any outreach efforts to contact trade associates; business development organizations; conference and trade fairs to locate small, small disadvantaged, woman-owned, minority owned, veteran owned, and Disabled-Veteran owned, HUBZone and Alaska Native Corporations (ANCs) and Indian Tribes owned business sources.

(e) Records of training sessions to promote awareness of *Safety-Kleen's* Small Business Supplier Development Program and the fiscal year goal attainment for the current fiscal year.

## **XII. STATUTORY REQUIREMENTS (FAR 19.702)**

- Any Contractor receiving a contract for more than the simplified acquisition threshold must agree in the contract that SB (including ANCs and Indian tribes), VOSB, SDVOSB, HUBZone, SDB (including ANCs and Indian tribes), and WOSB concerns will have the maximum practicable opportunity to participate in contract performance consistent with its efficient performance.
- It is further the policy of the United States that its prime contractors establish procedures to ensure the timely payment of amounts due to pursuant to the terms of their subcontracts with SB (including ANCs and Indian tribes), VOSB, SDVOSB, HUBZone, SDB (including ANCs and Indian tribes), and WOSB concerns.
- Each contract modification that causes the value of a contract without a subcontracting plan to exceed \$750,000 (\$1.5 million for construction), shall require the contractor to submit a subcontracting plan for the contract. If the Contracting Officer determines that subcontracting possibilities/opportunities exist.
- The subcontracting plan shall be negotiated within the time specified by the Contracting Officer. Failure to submit and negotiate the subcontracting plan shall make the Offeror ineligible for award of a contract.

**XIII. ADDITIONAL ASSURANCES**

*Safety-Kleen* will make a good faith effort to acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns that it used in preparing the bid or proposal, in the same or greater scope, amount, and quality used in preparing and submitting the bid or proposal.

*Safety-Kleen* will provide the Contracting Officer with a written explanation if the contractor fails to acquire articles, equipment, supplies, services or materials or obtain the performance of construction work as described in (d)(12) of FAR clause 52.219-9. This written explanation must be submitted to the Contracting Officer within 30 days of contract completion.

*Safety-Kleen* will not prohibit a subcontractor from discussing with the Contract Officer any material matter pertaining to the payment to or utilization of a subcontractor; and

*Safety-Kleen* assures that the offeror will pay its small business subcontractors on time and in accordance with the terms and conditions of the subcontract and notify the Contracting Officer if *Safety-Kleen* pays a reduced or an untimely payment to a small business subcontractor. (52.242.5)

**This Plan is submitted in a good faith effort to comply with the intent of PL 95-507 and the Federal Acquisition Regulation Subpart 19.7 as it applies to Commercial Subcontracting Plans**

Submitted By: Connie D. Miller Date: 10/09/2020

Printed Name: **Connie D. Miller**  
Title: **Manager, Small Business Liaison Officer (SBLO) & Consulting SBA, Small Business Administration**  
Company: **Safety-Kleen Environmental Services, Inc.**

Accepted By: LYNN MAULDIN Digitally signed by LYNN MAULDIN Date: 2020.12.15 07:39:35 -05'00' Date: \_\_\_\_\_  
(Contracting Officer)

Printed Name: LYNN N MAULDIN/Administrative Contracting Officer

Agency Name: GSA

Agency Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number: 404-331-1108