

ATTACHMENT J.13

APPENDIX M

**CONTRACT GUIDANCE FOR PREPARATION
OF DIVERSITY PLAN**

**Applicable to the Operation of
Ernest Orlando Lawrence Berkeley National Laboratory**

Contract No. DE-AC02-05CH11231

Contract Guidance for Preparation of Diversity Plan

This Guidance is to assist the Contractor in understanding the information being sought by the Department for each of the Diversity elements and where these issues may already be addressed in the contract. To the extent these issues are already addressed in the contract, the Contractor need only cross reference the location.

Contractor's Workforce

The Department's contracts contain clauses on Equal Employment Opportunity (EEO) and Affirmative Action (AA). The Plan may discuss how the contractor has or plans to establish and maintain result-oriented EEO and AA programs in accordance with the requirements of these clauses, and how the contractor's organization includes or plans to include elements/dimensions of diversity that might enhance such programs.

Community Involvement and Outreach

The Plan may discuss the contractor's strategies to foster relationships with Minority Educational Institutions and other institutions of higher learning (e.g., Historically Black Colleges and Universities, Hispanic serving institutions, and Native American institutions) to increase their participation in federally sponsored programs through subcontracting opportunities, research and development partnerships, and mentor-protégé relationships. The contractor's Plan may also discuss cooperative programs which encourage under represented students to pursue science, engineering, and technology careers.

Educational Outreach

The Plan may discuss the contractor's community relations activities in support of diverse elements of the local community, for example: support for science, mathematics, and engineering education; support for community service organizations; assistance to governmental and community service organizations and for equal opportunity activities; and community assistance in connection with work force reduction plans; strategic partnerships with professional and scientific organizations to enhance recruitment into all levels of the organization; and use of direct sponsorship or making individual employees available to work with a specific community activity.

Subcontracting

The contract contains FAR clause 52.219-9, entitled, "Small Business Subcontracting Plan," and other small business related clauses.

The Plan may discuss outreach activities and achievements for enhancing subcontracting opportunities for small businesses, small disadvantaged businesses (e.g., small businesses owned and controlled by socially and economically disadvantaged individuals, tribes, Alaska Native Corporations, Native Hawaiian Organizations, or Community Development Corporations), small business firms located in historically underutilized business zones, woman-owned small businesses, and veteran-owned (including service-disabled veteran-owned) small businesses.

The Plan may also discuss actual or planned participation in the Department's Mentor-Protégé Program.

Economic Development (including technology transfer)

This contract includes terms and conditions dealing with technology transfer. Planning or activities developed under such clauses may apply to this element of the Diversity Plan. Additionally, subcontracting policies and activities undertaken or planned by the contractor with small, small disadvantaged, woman-owned, and service-disabled veteran small business concerns for the purpose of assisting the economic development of, or transferring technology to, such business concerns may be discussed.

Prevention of Profiling Based on Race or National Origin

Profiling pertains to those practices that scrutinize, target or treat employees or applicants for employment differently or single them out or select them for unjustified additional scrutiny, based on race or national origin. The Plan may discuss the contractor's approach to preventing prohibited profiling practices, including strategies for early detection of potential profiling in the contractor's business activities (e.g., personnel actions, security clearances).

The Plan may also discuss procedures intended to expedite timely resolution of adverse actions and methodologies for benchmarking, sharing best practices, or lessons learned in the prevention of prohibited profiling. Forums available to employees for expressing concerns or issues about prohibited profiling practices in the workplace.