



**Clean Harbors Environmental Services, Inc.
42 Longwater
Norwell, MA 02061**

COMMERCIAL SUBCONTRACTING PLAN

For

January 1, 2012 through December 31, 2012

Clean Harbors Environmental Services, Inc. ("Clean Harbors"), 42 Longwater Drive, Norwell MA 02061, implements this Commercial Small Business Subcontracting Plan ("Commercial Plan") for its environmental management, transportation 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 Clean Harbors Corporate Small Business Supplier Development Program (SBSDP) recognizes the responsibility of Clean Harbors, since it is a large business, to assist in the development and use of Small Business Concerns, including Small Disadvantaged Business (SDB) Concerns, Women-Owned Small Business Concerns (WOSB), HUBZone Small Business (HUBZone) Concerns, Veteran-Owned Small Business Concerns, Service-Disabled Veteran-Owned Small Business Concerns, Alaska Native Corporations (ANCs) and Indian Tribe Owned Small Business concerns.

- 1) **Clean Harbors' 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. Clean Harbors 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 practical extent.**

- 2) **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.**
 - I. **The HUBZone Empowerment Contracting Program, which enacted into law as part of the Small Business Reauthorization Act of 1997.**

 - II. **Section 7106 of FASA (Public Law 103-355) established a 5% women-owned small business goal.**

 - III. **PL 105-85 added the HUBZONE small business goal, now 3% of the value of all prime contract awards.**

 - IV. **H.R. 2297 "Veterans Benefit Act of 2003, Public Law 108-183".**

- 3) **This Plan identifies the methods and procedures that will be used by Clean Harbors to identify sources for solicitation purposes and implement its Small Business Supplier Development Program. Clean Harbors includes all subcontracts that contribute to contract performance, and includes those products and services that are normally allocated as indirect costs. The Clean Harbors PeopleSoft Purchasing database segregates all Vendors by business size. "Subcontract" means a contract, purchase order, amendment or other legal obligation executed by the prime contractor or subcontractor calling for supplies or services required for the performance of the original contract or subcontract. Purchases from a corporation, company or subdivision that is an affiliate of the reporting organization are not considered "subcontracts" and are not included.**

- 4) Clean Harbors achieved the following small business award accomplishments throughout its company in 2011*.

Calendar Year 2011 Accomplishments*		
Category	Dollars	Percentage
SMALL BUSINESS TOTALS	\$236,862,871.00	39.32%
LARGE BUSINESS TOTALS	\$365,608,764.00	60.68%
TOTAL	\$602,471,635.00	100.00%
Women Owned Small Businesses	\$14,295,314.00	2.37%
HUBZone Small Businesses	\$307,287.00	.05%
Small Disadvantaged Businesses	\$4,836,921.00	.80%
Service Disabled Veteran (SDVB) Businesses	\$533,757.00	.09%
Veteran Owned Small Businesses	\$3,876,798.00	.64%
Alaska Native Corporations (ANCs) and Indian Tribes that have not been certified by the Small Business Administration as Small Disadvantaged Businesses - Alaska Native Corporations (ANCs) and Indian Tribes that are not small businesses	\$300,023.00	.05%

*4th quarter 2011 estimated

- 5) Clean Harbors will make a good faith effort to increase expenditures with small businesses during calendar year 2012 as indicated in the following chart.

Goals for 2012		
Category	Dollars	Percentage
SMALL BUSINESS TOTALS	\$250,000,000.00	39.37%
LARGE BUSINESS TOTALS	\$385,000,000.00	60.63%
TOTAL	\$635,000,000.00	100.00%
Women Owned Small Businesses	\$15,500,000.00	2.44%
HUBZone Small Businesses	\$550,000.00	0.09%
Small Disadvantaged Businesses	\$6,100,000.00	0.96%
Service Disabled Veteran Businesses(SDVB)	\$600,000.00	0.09%
Veteran Owned Small Businesses	\$4,100,000.00	0.65%
Alaska Native Corporations (ANCs) and Indian Tribes that have not been certified by the Small Business Administration as Small Disadvantaged Businesses - Alaska Native Corporations (ANCs) and Indian Tribes that are not small businesses	\$320,000.00	0.05%

- 6) These expected subcontracting dollars will be spent for the following types of products, equipment and services with the business size (s) indicated.

Subcontractor/Vendor Size Categories	Principle Types of Supplies and Services to be Subcontracted
Small Business	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
Small Disadvantaged Businesses	Transportation Services, Health and Safety Supplies, Computer Products and Services, Drum Manufacturers, Analytical Services, and MIS Products and Services
Woman-Owned Small Business	Transportation Services, Health and Safety Supplies, Computer Products and Services, Analytical Services, and MIS Products and Services
Veteran-Owned Small Business	Transportation Services, Health and Safety Supplies, Computer Products and Services, Analytical Services, and MIS Products and Services
Service-Disabled Veteran-Owned Small Business	Transportation Services and Health and Safety Supplies
HUBZone Small Business	Engineering Services and Analytical Services
Alaska Native Corporations (ANCs) and Indian Tribes that have not been certified by the Small Business Administration as Small Disadvantaged Businesses and Alaska Native Corporations (ANCs) and Indian Tribes that are not small businesses	Transportation Services, Health and Safety Supplies, Computer Products and Services, Analytical Services, and MIS Products and Services

- 7) The method used to develop subcontracting goals involves determining which supplies and/or services can be provided by sources outside of the Clean Harbors corporate umbrella. After "make or buy" decisions are made, subcontracting opportunities are determined. The actual experience of 2009, 2010 and 2011 plays a major role in determining its goals for this fiscal year.
- a) Clean Harbors anticipated goals for fiscal year 2012 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 number 6); the drawing pool that specializes in Clean Harbors 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 as 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 Clean Harbors which in turn would jeopardize subcontracted dollars across the board. Clean Harbors is aware of this and does make every effort when possible to subcontract work to the aforementioned Small Business subsets.
- 8) Clean Harbors develops its own in-house source list of potential vendors, suppliers, and subcontractors. The source list includes those business concerns that have been found acceptable by Clean Harbors Purchasing Department and are not on any Government or customer debarred vendor list. The list is continually updated to include new vendors. To expand the source list, Clean Harbors receives input from its employees, other contractors, attends trade shows, and refers to publications and vendor databases such as the Small Business Administration Dynamic Small Business Search on www.ccr.gov.
- 9) Clean Harbors 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 (ANCs) and Indian Tribes that have not been certified by the Small Business Administration as Small Disadvantaged Businesses owned small businesses.

- 10) **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.**
- 11) **Indirect costs are included in establishing subcontracting goals. Since business size is part of the data in the Clean Harbors 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.**
- 12) **Clean Harbors designates Ken Shackleton, as its Small Business Liaison Officer (SBLO). He can be reached at (781) 792-5000, ext. 5389. His fax number is (781) 792-5938. The Small Business Liaison Officer's (SBLO) duties are as follows:**
 - a) **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.**
 - b) **Assist the Purchasing Department to develop and maintain vendor source lists.**
 - c) **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.**
 - d) **Assist the Clean Harbors Buyers, as requested in identifying new sources and insuring 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.**
 - e) **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.**

- f) **Assure required submittal of the yearly SSRs by requesting purchasing statistics by Vendor Business Size from the Clean Harbor'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.com in accordance with agency regulations and instructions. The President of Clean Harbors will sign the SSR.**
- g) **Serve as liaison with customer representatives in matters concerning Clean Harbor's subcontracting program.**
- h) **Instruct Clean Harbors' employees about the Clean Harbors Small Business Program and their responsibilities regarding the Commercial Plan and Public Law 95-507.**
- i) **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.**
- j) **Ensure that subcontract procurement "packages" are designed to permit the maximum possible participation of small, small disadvantaged, women-owned small, veteran-owned small, service disabled veteran-owned small business, HUBZone small business or Alaska Native Corporations (ANCs) and Indian Tribes owned small business participation..**
- k) **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 (ANCs) and Indian Tribes owned small business participation.**
- l) **Ensure that Buyers document their reasons for not selecting any low bids submitted by small businesses.**
- m) **Attend or arrange for the attendance of company counselors at Business Opportunity Workshops, minority business enterprise seminars, trade fairs, etc.**

- n) Directly or indirectly counsel such small businesses on subcontracting opportunities and how to prepare responsive bids to Clean Harbors in accordance with PL 99-661, Section 1207.
 - o) Work with Massachusetts Small Business Development Center (MSBDC) Network to achieve mutual goals of increasing small business participation (See Memorandum of Understanding dated January 22, 2004 on www.cleanharbors.com, then click "About Us" and then "Supplier Resources").
 - p) Work with the Purchasing Manager in establishing an incentive program of some type that benefits buyers that support the subcontracting program.
 - q) Monitor Clean Harbors' performance and make adjustments in the program to achieve the subcontract plan goals, as reasonably possible.
 - r) Coordinate Clean Harbors' participation during compliance reviews by Federal agencies.
 - s) Look into to possible Mentor Protégé Programs through DOD and Civilian Agencies
- 13) Assure that all categories of small businesses are provided the maximum opportunity to compete for subcontracts. This objective will be pursued by:
- a) Identifying and soliciting quotations from such small businesses.
 - b) Allowing sufficient time for such firms to submit quotes.
 - c) Requesting the Purchasing Department use such vendors.
 - d) Considering quotations from these firms on an equal basis with other firms.
 - e) Providing technical assistance to such firms, when required,
- 14) Clean Harbors will include FAR Clause 52.219-8 entitled "Utilization of Small Business Concerns" in all subcontracts that offer further subcontracting opportunities. Clean Harbors will also require all subcontractors, except small

businesses, who receive subcontracts in excess of \$650,000 (\$1,500,000 for construction of any public facility) to submit a subcontracting plan for Clean Harbors approval conforming to the requirements of FAR Clause 52.219-9 entitled "Small Business Subcontracting Plan".

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

- 16) The following records will be maintained by the SBLO:
 - 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, including Small Disadvantaged Business (SDB) Concerns, Women-Owned Small Business Concerns (WOSB), HUBZone Small Business (HUBZone) Concerns, Veteran-Owned Small Business Concerns, Service-Disabled Veteran-Owned Small Business Concerns and Alaska Native Corporations (ANCs) and Indian Tribe Owned Small Business

 - c) Records on all subcontracts over \$150,000 indicating
 - i) whether small, small disadvantaged, small women-owned, small HUBZone, small veteran-owned, or service-disabled veteran businesses were solicited and if not, why not; and
 - ii) if applicable, the reason award was not made to such business concerns.

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

- e) Records of training sessions to promote awareness of Clean Harbor's Small Business Supplier Development Program and the fiscal year goal attainment for the current fiscal year.
- f) The standard terms and conditions used in buying supplies and services. These terms and conditions include a timeframe for payment of accurate and complete vendor invoices.

17) 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

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 (Contracting Officer)

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