

# Research Administration Office

## University of California

Memo Operating Guidance

No. 88-1

Supplement 1

October 8, 1991

Subject: Environmental Protection Agency Requirements for Use of Standard Form 334 --  
MBE/WBE Utilization under Federal Grants, Cooperative Agreements, and Other Federal Financial Assistance

### Background

Standard Form SF 334 is the Government-wide, OMB-approved form for collecting information on subcontracting under Federal grants with minority business enterprises (MBEs) and women-owned business enterprises (WBEs). This form for Federal grants is similar to the SF 294/295 forms used to collect information on subcontracting under Federal contracts. The main difference is that use of the SF 334 is optional and many agencies have not required it in the past. When it is used, it is only for grants over \$500,000 except for grants from the Environmental Protection Agency where there is no dollar threshold.

The FY 1991 and 1992 EPA Appropriations Act required EPA to adopt 8% MBE and WBE goals. EPA has in turn begun to require EPA grant recipients to set MBE and WBE subcontracting goals of 8% and to report on the grantee's progress in meeting these goals via the SF 334.

Subcontracting goals themselves do not present a problem since the University generally meets or exceeds them in the aggregate. The issue here is the administrative effort needed to complete the required reports.

### Applicability

Reporting is only required under EPA grants funded by FY 1991 or 1992 funds with any subcontracts over \$10,000. Chances are good that this requirement will be continued in future EPA appropriations. Of course, if the award document does not specifically state that SF 334 reporting is required, then it is not required for that award.

### Operating Guidance

The EPA originally was requiring a quarterly submission of the SF 334 by individual grant with Part II of the form, MBE/WBE Procurements over \$10,000 Made During Reporting Quarter, completed. The Riverside campus Contract and Grant Office negotiated three changes with EPA which significantly reduce the administrative burden of this requirement for the campus Materiel Management Offices. As explained in the attached Riverside campus C&G Office memo, EPA will

allow an annual submission of the Standard Form 334 with the composite data provided by the campus annual business affirmative action reports rather than data by fund source or individual grant. In addition, Part II of the form does not have to be completed.

Other campuses have subsequently used this Riverside campus memo to establish the same reporting requirements for their EPA grants with any subagreements over \$10,000. Campuses should continue to confirm with EPA that the arrangement worked out by the Riverside campus will be accepted by the EPA if this will eliminate a significant paperwork burden for campus staff.

Refer: Samuela A. Evans (510) 987-9849

Subject Index: 16

Organization Index: F-615

David F. Mears

Director, Research

Administration Office

Attachments

cc:

Materiel Managers

Dave Haskins

List of Attachments:

SF-334 Part I

SF-334 Part II

SF-334 Instructions

Memo from Materiel Management

Memo from RAO

Memo from Riverside campus Research Affairs

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June 12, 1991

**MATERIEL MANAGERS**

There have been some recent changes and additions regarding federal contracts and grants which are summarized as follows:

FAR 52.225-11 Restrictions on Certain Foreign Purchases. This interim rule includes South Africa and Iraq in the list of countries from which purchases with federal contract money are prohibited.

This applies only to South African parastatal organizations, which term is defined in the above referenced clause. This rule will require a flowdown to subcontractors. Purchasing Managers should immediately begin to include the clause by reference in all P.O.'s utilizing federal contract funds. It will be added to Supplement 5 when it is finalized.

FAR 52.208-9 Required sources for Helium. This is a proposed rule which would require all major helium requirements under federal contracts to be obtained from the Bureau of Mines. No action required at this time.

EPA and Form SF-334. The attached memo from Bill Sellers to Dave Haskins explains a program for subcontracting plans under federal grants and some recent changes in the reporting requirements.

Copies of the applicable pages from the Federal Register are attached for your information. Should you wish to comment on any of the above items, please forward your response to Dave Haskins at this office. If you have any questions regarding the above, please contact either Dave or me.

Wayne Ove

Attachments

cc:

Purchasing Managers

Contract and Grant Officer Evans

Contract and Grant Officer Sellers

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OFFICE OF THE PRESIDENT

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OAKLAND, CALIFORNIA 94612-3550

May 30, 1991

DAVE HASKINS

Subject: EPA and Form SF-334

As you know, contracts over \$500,000 usually include subcontracting plans and the campus has to report on subcontracting through SF-294 and SF-295 forms. A similar program is in place for grants, using SF-334; the big difference is that the program for grants is voluntary with the agencies and only a few agencies (usually Interior and EPA) require it. The other anomaly is that for EPA grants there is no dollar threshold.

I received the enclosed memo from Reuben Gomez/Riverside. They have found out that EPA now only requires the SF-334 to be submitted annually, it can include composite data rather than by fund source, and the reverse side of the form need not be completed. There are some other details in Reuben's memo. You might want to pass this information along to other campus purchasing offices (or whichever office fills out these forms).

I checked with GSA and learned that the SF-334 has been extended through December 1993 with no changes. Thus the above information is valid only for EPA as far as I know.

Bill Sellers

Contract and Grant Officer

Enclosure

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HANNAH PETZENBAUM, DIRECTOR

OFFICE OF RESEARCH AFFAIRS

RESEARCH ADMINISTRATION

MAY 28, 1991

RE: New/Special Conditions contained in EPA Cooperative Agreements/Grants relating to procurement utilization of Minority and Business Enterprises

I called EPA today to follow-up on my 5/16/91 inquiry to Lupe Saldana, Small & Disadvantaged Business Utilization Officer, EPA Grants Adm. Division, on the above referenced subject.

Mr. Saldana, said he had spoken to policy personnel at EPA who had determined that we can use composite data, rather than data by fund source, gathered by Purchasing for its business affirmative action reports. This is the data required to be given in blocks 5B, 5C, and 5D of the attached Standard Form 334 which is referred to as SF-334 "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and other Federal Financial Assistance" Mr. Saldana said we should explain in 'the comments section of the SF-334 that the information in these blocks is an estimate based on composite data from UCR's business affirmative action reports.

Mr. Saldana added that the back side of the form did not have to be completed and that the Materiel Manager could sign the form as the authorized representative for the University.

Mr. Saldana said that SF-334 must be submitted annually and not quarterly as indicated on the attached SF-334 instructions within one month following the end of the applicable Federal fiscal year quarter.

Enclosure

cc:

EPA Agency File

David Serrano, Principal C & G Analyst

Lewis, Purchasing Mgr. Materiel Mgmt.

Sellers, C & G Officer, RAO

Ruben B.

