

AG-87BJ-S-16-0003
Dakota Prairie NG
Sheyenne RD Dakota skipper survey

Issued: February 25th, 2016

This is a combined synopsis/solicitation for commercial services prepared in accordance with the format in FAR 12.6, in conjunction with FAR 13 as supplemented with additional information included in this notice. This announcement constitutes the only solicitation; Quotations are being requested and a written solicitation will not be issued. This solicitation is issued as a Request for Quotation (RFQ), solicitation number AG-87BJ-S-16-0001. This procurement is a 100% small business set-aside. The North American Industry Classification System (NAICS) code for this acquisition is 541620. For the purpose of this procurement the small business size standard is \$15M. This solicitation document and incorporated provisions and clauses are those in effect through Federal Acquisition Circular 2005-86, Award will be a firm fixed price contract.

Paper copies of the Request for Quotation will not be made available. Quotations can be e-mailed to the following e-mail address: trevorbmattson@fs.fed.us to the attention of Trevor Mattson. NOTE: Quotations must be received by March 14th, 2016, 4:00 PM MST; late quotations will not be considered for award. Prospective Offeror must be registered and have an active status in the System for Award Management (SAM) (www.sam.gov) in order to be eligible for award. Responsible sources may submit a quotation which, if timely received, shall be considered by this agency. Evaluation for this acquisition shall be using a lowest price technically acceptable determination, with past performance consideration, IAW FAR 15.101. All quotes shall be valid for 60 days.

DOCUMENTS TO RETURN:

The following documents shall be submitted by the offeror for evaluation to be considered responsive:

1. Schedule of Items
2. Experience document representing recent and relevant work described in the solicitation
3. Copy of 10(a)1(A) Permit
4. Addendum 452.209-70 Regarding Tax Delinquency and Felony Convictions Page. 30

CONTACTS

Contracting Officer Trevor Mattson at (406) 494-0242
Contracting Officers Representative Meghan Dinkins (701) 989-7320

General Information

- a. **Pre-Bid Tour:** No pre-bid tour will be conducted. Interested parties may contact Meghan Dinkins at the Dakota Prairie Grasslands Supervisor’s Office, at 701-989-7320, with questions or for directions to view the project site on their own. Contractors are urged to inspect the site where the work will be performed.
- b. **Period of Performance: APRIL 4TH, 2016 - November 15TH, 2016.** All work shall be completed, including clean-up and final inspection, no later than **November 15TH, 2016**. The Contractor shall maintain progress at a rate that will assure completion of the work within the time specified herein.
- c. **Start Work:** It is estimated that the work will begin in **Mid-May, 2016**, with field work is expecting to begin by **June 19th, 2016**.
- d. **Government Furnished Items:** The Government will provide the following items:

Sheyenne National Grasslands Visitor Map
GIS tool developed by the Dakota Prairie National Grasslands
- e. **Off Road Vehicle Use Permit:** Upon request by the Contractor, the Government will authorize and issue an off-road vehicle use permit. A four wheel drive (4 x 4) vehicle is highly recommended for site access.

SCHEDULE OF ITEMS

BASE	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	8 days of field work	LS	1	\$ XX.XX	
2	Work Plan	LS	1	\$ XX.XX	
3	Dakota Skipper/Poweshiek Skippering Survey to include recording incidental Lepidopteran species	LS	1	\$ XX.XX	
4	Final Report & GIS Deliverable	LS	1	\$ XX.XX	
				TOTAL PRICE	

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ADDITIONAL ITEM 1*	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	8 days of field work	LS	1	\$ XX.XX	
2	Work Plan	LS	1	\$ XX.XX	
3	Dakota Skipper/Poweshiek Skipperling Survey to include recording incidental Lepidopteran species	LS	1	\$ XX.XX	
4	Final Report & GIS Deliverable	LS	1	\$ XX.XX	
				TOTAL PRICE	

ADDITIONAL ITEM 2*	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL
1	8 days of field work	LS	1	\$ XX.XX	
2	Work Plan	LS	1	\$ XX.XX	
3	Dakota Skipper/Poweshiek Skipperling Survey to include recording incidental Lepidopteran species	LS	1	\$ XX.XX	
4	Final Report & GIS Deliverable	LS	1	\$ XX.XX	
				TOTAL PRICE	

TOTAL PRICE BASE + ADDITIONAL ITEM 1	\$
TOTAL PRICE BASE + ADDITIONAL ITEM 1	\$
TOTAL PRICE BASE + ADDITIONAL ITEM 1 AND 2	\$

***LS- LUMP SUM**

***NOTE:** Additional Items 1&2 are independent of the Base Item, and are not listed in priority order. The Additional Items are not required for quote submission as these additional items are subject to the availability of funds upon the date and time quotes are due and may or may not be awarded.

**STATEMENT OF WORK
BASE ITEM + ADDITIONAL ITEM'S 1 AND 2**

Contractor Qualifications: Dakota Skipper (*Hesperia dacotae*) and Poweshiek Skipperling (*Oarisma poweshiek*) (target species) may not be readily identified in the field without specialized training and experience. The head surveyors who do the field work for this contract, must have a 10(a) (1) (A) permit for Dakota Skipper at contract award.

Description of Work: The objective of this project is to Survey for Dakota Skipper (*Hesperia dacotae*) and Poweshiek skippering (*Oarisma poweshiek*) on the Dakota Prairie Grasslands (DPG), Sheyenne Ranger District.

- a. Project Location:** The project is located on the Sheyenne Ranger District in Ransom and Richland Counties, North Dakota. The location descriptions of the Base Item and Additional Items follow (only portions of these areas will contain habitat suitable for Dakota Skipper).

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Table 1.	
ALLOTMENT (acres habitat)	LOCATION (in order of priority) & ACCESS DESCRIPTION
Milton Sr. (~74 acres)	<p>SW Pasture Locations: Township 134N Range 53W Section 19 SE quarter of SE quarter section, <1 acre</p> <p>SE Pasture Locations: Township 134N Range 53W Section 20 SE corner of SW quarter section, <3 acres</p> <p>NW Pasture Locations: Township 134N Range 53W</p> <p>Section 18 SE quarter of SW quarter section, ~9 acres South half of SE quarter section, ~ 7 acres</p> <p>Section 19 North half of NE quarter section, ~ 50 acres NE quarter of NW quarter section, ~ 5 acres</p> <p>Section 20 NW quarter of NW quarter section , ~1 acre</p> <p>Access: Drive 1/2 mile to get to allotment & then walk 1.25 miles to get to old DASK site (usually can't access by walking straight there if it's wet [sloughs]). N. Survey area is ~ ¼ to 1 ½ miles to walk depending on how inundated some of the areas are. A UTV or ATV may be helpful for accessing the area to reduce walking time.</p>
LX (~195 acres)	<p>East Pasture Locations: Township 134N Range 53W Section 30 NE corner of SE quarter section, <1 acre NE quarter of SW quarter section, <1 acre NE quarter, ~70 acres NE quarter of NW quarter, <1 acre</p> <p>West Pasture Locations: Township 134N Range 54W Section 25 SW quarter section, ~ 100 acres West side of NW quarter section , <10 acres</p> <p>Access: Survey will require ~ two 1 mile round trips walking. A UTV or ATV may be helpful for accessing the area to reduce walking time.</p>

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Northrop (~ 80 acres)	North A, North B, & S Pasture Location: Township 134N Range 53W Section 29, ~80 acres Access: Should be able to access beginning of survey from road but may have to walk around some sloughs for long distances (2 mile round trip) during survey. A UTV or ATV may be helpful for accessing the area to reduce walking time.
Viking (~90 acres)	Township 135N Range 51W Section 9 SW quarter section, habitat interspersed throughout. Access: Some locally marshy areas to walk around, otherwise access relatively easy from road.
Brown SW (~40 acres)	Township 133N Range 53W Section 8 East half of NW Quarter section. Access: Easy access. Drive up with pick-up.
Hanson 6 (~20 acres)	Township 133N Range 53W Section 6 SE quarter Section & very small area in NE quarter section. Access: Easy access. Drive up with pick-up.
Gregor (~40 acres)	Township 133N Range 53W Section 8 East half of NW quarter section Access: Easy access. Drive up with pick-up.
Jones(~80 acres)	Township 135N Range 54 W Section 1, Habitat interspersed throughout Access: Easy access. Drive up with pick-up.

The successful Contractor will survey the project area during optimal flight periods for Dakota Skipper on the Sheyenne Ranger District. Other Lepidopteran species will also be recorded, incidental to Dakota Skipper.

The successful Contractor shall furnish all labor, equipment (fully operated), supervision, transportation, operating supplies, and incidentals necessary to complete the work. All work shall conform to the terms and conditions and specifications outlined in the solicitation and any resultant contract.

Project work includes the following items:

- Item 1: 8 days field work
- Item 2: Work Plan
- Item 3: Survey for Dakota Skipper
- Item 4: Final Report/GIS Data Deliverable

Work Plan: The Contractor shall be provided with maps and GIS (Geographic Information Systems) files indicating areas likely to have Dakota Skipper habitat that may be used for developing the work plan.

The Work Plan shall be submitted by the Contractor and sent to the Contracting Officer and Contracting Officer Representative in an electronic format (e.g., Microsoft Word or Adobe .pdf). The plan will outline the Contractor's methods for efficiently surveying the possible Dakota Skipper populations. Following a Government review of the Work Plan, Dakota Prairie Grassland (DPG) personnel will furnish the Contractor with a comment matrix illustrating deficiencies, if any, in the submitted plan.

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The Work Plan shall be revised by the Contractor based on Government comments if deficiencies are seen by the Government. If a report has more than 10 errors (e.g., in formatting, spelling, grammar, facts, mapping, etc.), the Government may reject the report and a revised/corrected report must be submitted. Data consistency must exist between reports and GIS deliverables.

The Contractor will have a one week period (seven days) to complete the comment matrix and to submit a revised Work Plan, including edits based on Government provided comments.

The Work Plan shall include at a minimum:

- 1) A Table of Contents;
- 2) Page numbers;
- 3) Survey methods;
- 4) The format for the GIS deliverables (e.g., the data dictionary that will be used in the field in table format);
- 5) Estimated field work schedules with surveyor(s); and,
- 6) General area maps where the Contractor will search for Dakota Skipper (sensitive butterfly species).

WORK PLAN	DELIVERY DATE
Draft Work Plan	May 15 th ,2016
Final Work Plan	May 28 th ,2016

Dakota Skipper Survey Including recording incidental Lepidopteran species:

Once field work begins, the Contractor shall provide biweekly (e.g., every two weeks) Progress Reports which will be submitted electronically by e-mail, addressed to the Contracting Officer, Contracting Officer Representative, and the Sheyenne Ranger District representative. At a minimum, the biweekly Progress Reports shall include a description of where, how, and when surveys were conducted, if any sensitive butterflies were sighted, and if any problems were encountered (e.g., weather, access, road conditions, etc.).

Progress Reports will be furnished starting approximately 1 July 2016. This date may vary due to weather conditions which influence the Dakota Skipper populations.

If the head **skipper** surveyor has field support for this project, the assistant butterfly surveyors must be accompanied by the head butterfly surveyor within line of sight at all times while conducting skipper surveys.

The contractor will provide list of Lepidopterans observed per survey area with estimated numbers of non-federally sensitive species incidentally seen and exact numbers for Dakota Skipper and Poweshiek Skipperling.

Survey Methodology will be the methods listed on the individual's permit or the most recent United States Fish Wildlife Service (USFWS) protocol.

Besides what is mentioned in the permit, as of February, 2016, the "checklist method" is the closest thing to a protocol and is described in: Royer, Ronald A., Jane E. Austin, and Wesley E. Newton. 1998. Checklist and

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"Pollard Walk" butterfly survey methods on public lands. The American Midland Naturalist. 140(2). Northern Prairie Wildlife Research Center Home Page. <http://www.npwrc.usgs.gov/resource/insects/butsurv/>. The Fish and Wildlife Service may provide more protocol materials prior to survey season start.

The process amounts to habitat-centered Pollard-style random walks. That is, Dakota Skipper is searched for in patches of presumed habitat at each site. Searches are conducted according to the following parameters:

The sampling day generally begins after 9:00 am and ends no later than 5:00 pm local time;
Only individual Dakota Skippers identified within an estimated 5.0 meters on either side of the surveyor, within 5.0 meters of the ground, or 5.0 meters to the front are considered to be an "encounter;" and,
Only confident identification (e.g., net and release, close-up [perched] examination, confirmed photograph) is considered a valid encounter. Only individuals with a 10(a)(1)(A) permit will be allowed to net and handle the skipper specimens per the conditions of their permit.

The Contractor will notify the Contracting Officer, COR and/or District on-site contracts if sensitive species are located within one working day of the sighting.

Some areas have been identified as potential sensitive Lepidopteran habitat through a Geographic Information Systems (GIS) tool developed by DPG. The tool uses GIS layers relating to soils, vegetation, slope, inundation, and Dakota Skipper search history. The Contractor will be presented the GIS tool in conjunction with the post-award phone conference. Areas that are identified by the GIS model will as a guide that should be followed for areas to survey for Dakota Skipper.

There is requisite habitat flora for Dakota Skipper. The Contractor shall provide qualitative percentage estimates of forbs, native grasses and native grasses of requisite habitat flora in areas that they see Dakota Skipper and Poweshiek Skipperling at. <http://www.fws.gov/midwest/endangered/insects/dask/pdf/DakotaSkipperS7GuidanceFeb2015.pdf> lists Dakota Skipper requisite forb species. Additionally, objective comments about other habitat conditions (such as grazing, habitat disturbances, Ecological Site Description, Soils) seen in the survey area will be listed.

The successful Contractor will survey the project area during optimal flight periods for Dakota Skipper. Surveys must be done within the Dakota Skipper survey window, which is historically about June 19th, 2016 through July 19th, 2016 (adjustments within these dates may be made by the surveyor depending on the professional judgment of the butterfly surveyor based on weather conditions).

TASK BEGINS	WORK COMPLETED
Approximately June 19 th , 2016. Dates may vary because of weather conditions influencing Dakota Skipper populations	Approximately July 19 th , 2016. Dates may vary because of weather conditions influencing Dakota Skipper populations

Final Report/GIS Deliverable:

At a minimum, the Draft and Final reports for shall contain:

The Contractor shall submit Draft Reports in electronic format (e.g., Microsoft Word or searchable Adobe .pdf files) on CDs in addition to furnishing one hard copy. Final Reports must be furnished in both hard copy and electronic format (Microsoft Word or searchable Adobe .pdf files) on CD.

Deliverable Items:

1. Four (4) CDs containing electronic files of the Draft Report/GIS Deliverable
 2. One (1) hard copy of the Draft Report/GIS Deliverable
 3. Four (4) sets of the Final Report/GIS Deliverable package (hard copies and CDs)
- A table of contents;
 - Page numbers;
 - An introduction summarizing the purpose of this project;
 - A description of the survey areas, methods, and techniques used;
 - A summary of the season's survey findings;
 - An appendix containing a copy of field notes and resume and 10(a)(1)(A) Permit of surveyors (personal information shall be excluded from resumes and permits for security purposes);

THE FOLLOWING INFORMATION WILL BE PRESENTED BY SITE

- The date of each survey
- A list of Lepidopterans observed per survey area with estimated numbers per non-sensitive species, and exact numbers for listed species
- Qualitative percentage estimates of forbs, native grasses and native grasses preferred by Dakota Skipper or Powershiek Skipperling, as well as weeds
- Encounter frequency (number of listed species per hour)
- Site survey history (past reports will be provided if available to contractor)
- Brief qualitative notes about usage and/or disturbance written in an objective matter (grazed)
- Geographic data (electronic GIS files and maps):

Location of survey area (access directions, legal description, GPS coordinates, site name [which will usually be associated with the allotment name]) with corresponding maps

Outline of site boundaries (polygon files with associated information must be provided to

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the USFS)

Location (in both Latitude/Longitude and legal description) of each Dakota skipper found.

- The Contractor will provide list of Lepidopterans observed per survey area with estimated numbers per non-sensitive species incidentally seen, and more exact numbers for Dakota Skipper and Poweshiek Skipperling.
- Description of Dakota Skipper or Poweshiek Skipperling flight condition
- Weather conditions during survey, including:
 - Temperature
 - Wind Direction and Beaufort Velocity
 - Sunlight level as percentage of survey time without any solar obstruction
- Images: Ground level view of habitat during surveys. Photographs of Dakota Skipper and Poweshiek Skipperling. Photograph files must be sent to the DPG at the highest resolution.
- Field Notes

Deliverable Items:

- Four (4) CDs containing electronic files of the Draft Report/GIS Deliverable
- One (1) hard copy of the Draft Report/GIS Deliverable
- Four (4) sets of the Final Report/GIS Deliverable package (hard copies and CDs)

DELIVERABLE	DUE DATES
Biweekly Progress Reports	Starting around July 1 ^s (depending on weather conditions June 19 th , 2016 through July 19 th , 2016
Draft Report and GIS Deliverable	August 30 th , 2016
Final Report and GIS Deliverable	November 15 th , 2016

CONTRACT PROVISIONS AND CLAUSES

52.212-1 INSTRUCTION TO OFFERORS – COMMERCIAL ITEMS (Oct 2015)

52.212-2 EVALUATION OF COMMERCIAL ITEMS (Oct 2014)

(a) The Government will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors shall be used to evaluate offers:

Price
Technical Capability
Past Performance

52.212-3 OFFEROR REPRESENTATIONS AND CERTIFICATIONS - - COMMERCIAL ITEMS (Nov 2015)

The offeror shall complete only paragraphs (b) of this provision if the Offeror has completed the annual representations and certification electronically via the System for Award Management (SAM) Web site accessed through <http://www.acquisition.gov> . If the Offeror has not completed the annual representations and certifications electronically, the Offeror shall complete only paragraphs (c) through (p) of this provision.

(a) *Definitions.* As used in this provision--

“Economically disadvantaged women-owned small business (EDWOSB) concern” means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States and who are economically disadvantaged in accordance with 13 CFR part 127. It automatically qualifies as a women-owned small business eligible under the WOSB Program.

“Forced or indentured child labor” means all work or service—

- (1) Exacted from any person under the age of 18 under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily; or
- (2) Performed by any person under the age of 18 pursuant to a contract the enforcement of which can be accomplished by process or penalties.

“Highest-level owner” means the entity that owns or controls an immediate owner of the offeror, or that owns or controls one or more entities that control an immediate owner of the offeror. No entity owns or exercises control of the highest level owner.

“Immediate owner” means an entity, other than the offeror, that has direct control of the offeror. Indicators of control include, but are not limited to, one or more of the following: Ownership or interlocking management, identity of interests among family members, shared facilities and equipment, and the common use of employees.

“Inverted domestic corporation,” means a foreign incorporated entity that meets the definition of an inverted domestic corporation under 6 U.S.C. 395(b), applied in accordance with the rules and definitions of 6 U.S.C. 395(c).

“Manufactured end product” means any end product in product and service codes (PSCs) 1000-9999, except—

- (1) PSC 5510, Lumber and Related Basic Wood Materials;
- (2) Product or Service Group (PSG) 87, Agricultural Supplies;

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- (3) PSG 88, Live Animals;
- (4) PSG 89, Subsistence;
- (5) PSC 9410, Crude Grades of Plant Materials;
- (6) PSC 9430, Miscellaneous Crude Animal Products, Inedible;
- (7) PSC 9440, Miscellaneous Crude Agricultural and Forestry Products;
- (8) PSC 9610, Ores;
- (9) PSC 9620, Minerals, Natural and Synthetic; and
- (10) PSC 9630, Additive Metal Materials.

“Place of manufacture” means the place where an end product is assembled out of components, or otherwise made or processed from raw materials into the finished product that is to be provided to the Government. If a product is disassembled and reassembled, the place of reassembly is not the place of manufacture.

“Restricted business operations” means business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment, as those terms are defined in the Sudan Accountability and Divestment Act of 2007 (Pub. L. 110-174). Restricted business operations do not include business operations that the person (as that term is defined in Section 2 of the Sudan Accountability and Divestment Act of 2007) conducting the business can demonstrate—

- (1) Are conducted under contract directly and exclusively with the regional government of southern Sudan;
- (2) Are conducted pursuant to specific authorization from the Office of Foreign Assets Control in the Department of the Treasury, or are expressly exempted under Federal law from the requirement to be conducted under such authorization;
- (3) Consist of providing goods or services to marginalized populations of Sudan;
- (4) Consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;
- (5) Consist of providing goods or services that are used only to promote health or education; or
- (6) Have been voluntarily suspended.

Sensitive technology—

- (1) Means hardware, software, telecommunications equipment, or any other technology that is to be used specifically—
 - (i) To restrict the free flow of unbiased information in Iran; or
 - (ii) To disrupt, monitor, or otherwise restrict speech of the people of Iran; and
- (2) Does not include information or informational materials the export of which the President does not have the authority to regulate or prohibit pursuant to section 203(b)(3) of the International Emergency Economic Powers Act (50 U.S.C. 1702(b)(3)).

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“Service-disabled veteran-owned small business concern”—

(1) Means a small business concern—

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a service-disabled veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

“Small business concern” means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and size standards in this solicitation.

“Small disadvantaged business concern, consistent with 13 CFR 124.1002,” means a small business concern under the size standard applicable to the acquisition, that--

(1) Is at least 51 percent unconditionally and directly owned (as defined at 13 CFR 124.105) by--

(i) One or more socially disadvantaged (as defined at 13 CFR 124.103) and economically disadvantaged (as defined at 13 CFR 124.104) individuals who are citizens of the United States; and

(ii) Each individual claiming economic disadvantage has a net worth not exceeding \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

(2) The management and daily business operations of which are controlled (as defined at 13.CFR 124.106) by individuals, who meet the criteria in paragraphs (1)(i) and (ii) of this definition.

“Subsidiary” means an entity in which more than 50 percent of the entity is owned—

(1) Directly by a parent corporation; or

(2) Through another subsidiary of a parent corporation.

“Veteran-owned small business concern” means a small business concern—

(1) Not less than 51 percent of which is owned by one or more veterans(as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

“Women-owned business concern” means a concern which is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the its stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

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“Women-owned small business concern” means a small business concern --

- (1) That is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and
- (2) Whose management and daily business operations are controlled by one or more women.

“Women-owned small business (WOSB) concern eligible under the WOSB Program (in accordance with 13 CFR part 127),” means a small business concern that is at least 51 percent directly and unconditionally owned by, and the management and daily business operations of which are controlled by, one or more women who are citizens of the United States.

(b)

(1) *Annual Representations and Certifications.* Any changes provided by the offeror in paragraph (b)(2) of this provision do not automatically change the representations and certifications posted on the SAMwebsite.

(2) The offeror has completed the annual representations and certifications electronically via the SAM website accessed through <https://www.acquisition.gov>. After reviewing the SAM database information, the offeror verifies by submission of this offer that the representation and certifications currently posted electronically at FAR 52.212-3, Offeror Representations and Certifications—Commercial Items, have been entered or updated in the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201), except for paragraphs _____. *[Offeror to identify the applicable paragraphs at (c) through (p) of this provision that the offeror has completed for the purposes of this solicitation only, if any. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer. Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted electronically on SAM.]*

(c) Offerors must complete the following representations when the resulting contract is to be performed in the United States or its outlying areas. Check all that apply.

- (1) *Small business concern.* The offeror represents as part of its offer that it is, is not a small business concern.
- (2) *Veteran-owned small business concern.* [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents as part of its offer that it is, is not a veteran-owned small business concern.
- (3) *Service-disabled veteran-owned small business concern.* [Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (c)(2) of this provision.] The offeror represents as part of its offer that it is, is not a service-disabled veteran-owned small business concern.
- (4) *Small disadvantaged business concern.* [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents that it is, is not, a small disadvantaged business concern as defined in 13 CFR 124.1002.
- (5) *Women-owned small business concern.* [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents that it is, is not a women-owned small business concern.

Note: Complete paragraphs (c)(8) and (c)(9) only if this solicitation is expected to exceed the simplified acquisition threshold.

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(6) WOSB concern eligible under the WOSB Program. [Complete only if the offeror represented itself as a women-owned small business concern in paragraph (c)(5) of this provision.] The offeror represents that—

(i) It is, is not a WOSB concern eligible under the WOSB Program, has provided all the required documents to the WOSB Repository, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and

(ii) It is, is not a joint venture that complies with the requirements of 13 CFR part 127, and the representation in paragraph (c)(6)(i) of this provision is accurate for each WOSB concern eligible under the WOSB Program participating in the joint venture. [The offeror shall enter the name or names of the WOSB concern eligible under the WOSB Program and other small businesses that are participating in the joint venture: _____.] Each WOSB concern eligible under the WOSB Program participating in the joint venture shall submit a separate signed copy of the WOSB representation.

(7) Economically disadvantaged women-owned small business (EDWOSB) concern. [Complete only if the offeror represented itself as a WOSB concern eligible under the WOSB Program in (c)(6) of this provision.] The offeror represents that—

(i) It is, is not an EDWOSB concern, has provided all the required documents to the WOSB Repository, and no change in circumstances or adverse decisions have been issued that affects its eligibility; and

(ii) It is, is not a joint venture that complies with the requirements of 13 CFR part 127, and the representation in paragraph (c)(7)(i) of this provision is accurate for each EDWOSB concern participating in the joint venture. [The offeror shall enter the name or names of the EDWOSB concern and other small businesses that are participating in the joint venture: _____.] Each EDWOSB concern participating in the joint venture shall submit a separate signed copy of the EDWOSB representation.

(8) Women-owned business concern (other than small business concern). [Complete only if the offeror is a women-owned business concern and did not represent itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents that it is, a women-owned business concern.

(9) *Tie bid priority for labor surplus area concerns.* If this is an invitation for bid, small business offerors may identify the labor surplus areas in which costs to be incurred on account of manufacturing or production (by offeror or first-tier subcontractors) amount to more than 50 percent of the contract price:

(10) HUBZone small business concern. [Complete only if the offeror represented itself as a small business concern in paragraph (c)(1) of this provision.] The offeror represents, as part of its offer, that--

(i) It is, is not a HUBZone small business concern listed, on the date of this representation, on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material changes in ownership and control, principal office, or HUBZone employee percentage have occurred since it was certified in accordance with 13 CFR part 126; and

(ii) It is, is not a HUBZone joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (c)(10)(i) of this provision is accurate for each HUBZone small business concern participating in the HUBZone joint venture. [*The offeror shall enter the names of each of the HUBZone small business concerns participating in the HUBZone joint venture: _____.*] Each HUBZone small business concern participating in the HUBZone joint venture shall submit a separate signed copy of the HUBZone representation.

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(d) Representations required to implement provisions of Executive Order 11246 --

(1) Previous contracts and compliance. The offeror represents that --

- (i) It has, has not, participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation; and
- (ii) It has, has not, filed all required compliance reports.

(2) *Affirmative Action Compliance.* The offeror represents that --

- (i) It has developed and has on file, has not developed and does not have on file, at each establishment, affirmative action programs required by rules and regulations of the Secretary of Labor (41 CFR parts 60-1 and 60-2), or
- (ii) It has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

(e) *Certification Regarding Payments to Influence Federal Transactions* (31 U.S.C. 1352). (Applies only if the contract is expected to exceed \$150,000.) By submission of its offer, the offeror certifies to the best of its knowledge and belief that no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress on his or her behalf in connection with the award of any resultant contract. If any registrants under the Lobbying Disclosure Act of 1995 have made a lobbying contact on behalf of the offeror with respect to this contract, the offeror shall complete and submit, with its offer, OMB Standard Form LLL, Disclosure of Lobbying Activities, to provide the name of the registrants. The offeror need not report regularly employed officers or employees of the offeror to whom payments of reasonable compensation were made.

(f) *Buy American Certificate.* (Applies only if the clause at Federal Acquisition Regulation (FAR) 52.225-1, Buy American – Supplies, is included in this solicitation.)

(1) The offeror certifies that each end product, except those listed in paragraph (f)(2) of this provision, is a domestic end product and that for other than COTS items, the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The offeror shall list as foreign end products those end products manufactured in the United States that do not qualify as domestic end products, *i.e.*, an end product that is not a COTS item and does not meet the component test in paragraph (2) of the definition of “domestic end product.” The terms “commercially available off-the-shelf (COTS) item,” “component,” “domestic end product,” “end product,” “foreign end product,” and “United States” are defined in the clause of this solicitation entitled “Buy American—Supplies.”

(2) Foreign End Products:

LINE ITEM NO.	COUNTRY OF ORIGIN

[List as necessary]

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(3) The Government will evaluate offers in accordance with the policies and procedures of FAR Part 25.

(g)

(1) *Buy American -- Free Trade Agreements -- Israeli Trade Act Certificate.* (Applies only if the clause at FAR 52.225-3, Buy American -- Free Trade Agreements -- Israeli Trade Act, is included in this solicitation.)

(i) The offeror certifies that each end product, except those listed in paragraph (g)(1)(ii) or (g)(1)(iii) of this provision, is a domestic end product and that for other than COTS items, the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States. The terms “Bahrainian, Moroccan, Omani, Panamanian, or Peruvian end product,” “commercially available off-the-shelf (COTS) item,” “component,” “domestic end product,” “end product,” “foreign end product,” “Free Trade Agreement country,” “Free Trade Agreement country end product,” “Israeli end product,” and “United States” are defined in the clause of this solicitation entitled “Buy American--Free Trade Agreements--Israeli Trade Act.”

(ii) The offeror certifies that the following supplies are Free Trade Agreement country end products (other than Bahrainian, Moroccan, Omani, Panamanian, or Peruvian end products) or Israeli end products as defined in the clause of this solicitation entitled “Buy American—Free Trade Agreements—Israeli Trade Act”:

Free Trade Agreement Country End Products (Other than Bahrainian, Moroccan, Omani, Panamanian, or Peruvian End Products) or Israeli End Products:

LINE ITEM NO.	COUNTRY OF ORIGIN

[List as necessary]

(iii) The offeror shall list those supplies that are foreign end products (other than those listed in paragraph (g)(1)(ii) or this provision) as defined in the clause of this solicitation entitled “Buy American—Free Trade Agreements—Israeli Trade Act.” The offeror shall list as other foreign end products those end products manufactured in the United States that do not qualify as domestic end products, *i.e.*, an end product that is not a COTS item and does not meet the component test in paragraph (2) of the definition of “domestic end product.”

Other Foreign End Products:

LINE ITEM NO.	COUNTRY OF ORIGIN

[List as necessary]

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(iv) The Government will evaluate offers in accordance with the policies and procedures of FAR Part 25.

(2) *Buy American—Free Trade Agreements—Israeli Trade Act Certificate, Alternate I.* If Alternate I to the clause at FAR 52.225-3 is included in this solicitation, substitute the following paragraph (g)(1)(ii) for paragraph (g)(1)(ii) of the basic provision:

(g)(1)(ii) The offeror certifies that the following supplies are Canadian end products as defined in the clause of this solicitation entitled “Buy American—Free Trade Agreements—Israeli Trade Act”:

Canadian End Products:

Line Item No.:

[List as necessary]

(3) *Buy American—Free Trade Agreements—Israeli Trade Act Certificate, Alternate II.* If Alternate II to the clause at FAR 52.225-3 is included in this solicitation, substitute the following paragraph (g)(1)(ii) for paragraph (g)(1)(ii) of the basic provision:

(g)(1)(ii) The offeror certifies that the following supplies are Canadian end products or Israeli end products as defined in the clause of this solicitation entitled “Buy American--Free Trade Agreements--Israeli Trade Act”:

Canadian or Israeli End Products:

Line Item No.:	Country of Origin:

[List as necessary]

(4) *Buy American—Free Trade Agreements—Israeli Trade Act Certificate, Alternate III.* If Alternate III to the clause at 52.225-3 is included in this solicitation, substitute the following paragraph (g)(1)(ii) for paragraph (g)(1)(ii) of the basic provision:

(g)(1)(ii) The offeror certifies that the following supplies are Free Trade Agreement country end products (other than Bahrainian, Korean, Moroccan, Omani, Panamanian, or Peruvian end products) or Israeli end products as defined in the clause of this solicitation entitled “Buy American—Free Trade Agreements—Israeli Trade Act”:

Free Trade Agreement Country End Products (Other than Bahrainian, Korean, Moroccan, Omani, Panamanian, or Peruvian End Products) or Israeli End Products:

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Line Item No.:	Country of Origin:

[List as necessary]

(5) *Trade Agreements Certificate.* (Applies only if the clause at FAR 52.225-5, Trade Agreements, is included in this solicitation.)

(i) The offeror certifies that each end product, except those listed in paragraph (g)(5)(ii) of this provision, is a U.S.-made or designated country end product as defined in the clause of this solicitation entitled “Trade Agreements.”

(ii) The offeror shall list as other end products those end products that are not U.S.-made or designated country end products.

Other End Products

Line Item No.:	Country of Origin:

[List as necessary]

(iii) The Government will evaluate offers in accordance with the policies and procedures of FAR Part 25. For line items covered by the WTO GPA, the Government will evaluate offers of U.S.-made or designated country end products without regard to the restrictions of the Buy American statute. The Government will consider for award only offers of U.S.-made or designated country end products unless the Contracting Officer determines that there are no offers for such products or that the offers for such products are insufficient to fulfill the requirements of the solicitation.

(h) *Certification Regarding Responsibility Matters (Executive Order 12689).* (Applies only if the contract value is expected to exceed the simplified acquisition threshold.) The offeror certifies, to the best of its knowledge and belief, that the offeror and/or any of its principals--

(1) Are, are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(2) Have, have not, within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a Federal, state or local government contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; and

(3) Are, are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses enumerated in paragraph (h)(2) of this clause; and

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(4) Have, have not, within a three-year period preceding this offer, been notified of any delinquent Federal taxes in an amount that exceeds \$3,500 for which the liability remains unsatisfied.

(i) Taxes are considered delinquent if both of the following criteria apply:

(A) *The tax liability is finally determined.* The liability is finally determined if it has been assessed. A liability is not finally determined if there is a pending administrative or judicial challenge. In the case of a judicial challenge to the liability, the liability is not finally determined until all judicial appeal rights have been exhausted.

(B) *The taxpayer is delinquent in making payment.* A taxpayer is delinquent if the taxpayer has failed to pay the tax liability when full payment was due and required. A taxpayer is not delinquent in cases where enforced collection action is precluded.

(ii) Examples.

(A) The taxpayer has received a statutory notice of deficiency, under I.R.C. §6212, which entitles the taxpayer to seek Tax Court review of a proposed tax deficiency. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek Tax Court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(B) The IRS has filed a notice of Federal tax lien with respect to an assessed tax liability, and the taxpayer has been issued a notice under I.R.C. §6320 entitling the taxpayer to request a hearing with the IRS Office of Appeals Contesting the lien filing, and to further appeal to the Tax Court if the IRS determines to sustain the lien filing. In the course of the hearing, the taxpayer is entitled to contest the underlying tax liability because the taxpayer has had no prior opportunity to contest the liability. This is not a delinquent tax because it is not a final tax liability. Should the taxpayer seek tax court review, this will not be a final tax liability until the taxpayer has exercised all judicial appeal rights.

(C) The taxpayer has entered into an installment agreement pursuant to I.R.C. §6159. The taxpayer is making timely payments and is in full compliance with the agreement terms. The taxpayer is not delinquent because the taxpayer is not currently required to make full payment.

(D) The taxpayer has filed for bankruptcy protection. The taxpayer is not delinquent because enforced collection action is stayed under 11 U.S.C. §362 (the Bankruptcy Code).

(i) Certification Regarding Knowledge of Child Labor for Listed End Products (Executive Order 13126). [The Contracting Officer must list in paragraph (i)(1) any end products being acquired under this solicitation that are included in the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor, unless excluded at 22.1503(b).]

(1) Listed End Product

Listed End Product:	Listed Countries of Origin:

(2) Certification. [If the Contracting Officer has identified end products and countries of origin in paragraph (i)(1) of this provision, then the offeror must certify to either (i)(2)(i) or (i)(2)(ii) by checking the appropriate block.]

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(i) The offeror will not supply any end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product.

(ii) The offeror may supply an end product listed in paragraph (i)(1) of this provision that was mined, produced, or manufactured in the corresponding country as listed for that product. The offeror certifies that it has made a good faith effort to determine whether forced or indentured child labor was used to mine, produce, or manufacture any such end product furnished under this contract. On the basis of those efforts, the offeror certifies that it is not aware of any such use of child labor.

(j) *Place of manufacture.* (Does not apply unless the solicitation is predominantly for the acquisition of manufactured end products.) For statistical purposes only, the offeror shall indicate whether the place of manufacture of the end products it expects to provide in response to this solicitation is predominantly—

(1) In the United States (Check this box if the total anticipated price of offered end products manufactured in the United States exceeds the total anticipated price of offered end products manufactured outside the United States); or

(2) Outside the United States.

(k) Certificates regarding exemptions from the application of the Service Contract Labor Standards. (Certification by the offeror as to its compliance with respect to the contract also constitutes its certification as to compliance by its subcontractor if it subcontracts out the exempt services.) [The contracting officer is to check a box to indicate if paragraph (k)(1) or (k)(2) applies.]

(1) Maintenance, calibration, or repair of certain equipment as described in FAR 22.1003-4(c)(1). The offeror does does not certify that—

(i) The items of equipment to be serviced under this contract are used regularly for other than Governmental purposes and are sold or traded by the offeror (or subcontractor in the case of an exempt subcontract) in substantial quantities to the general public in the course of normal business operations;

(ii) The services will be furnished at prices which are, or are based on, established catalog or market prices (see FAR 22.1003-4(c)(2)(ii)) for the maintenance, calibration, or repair of such equipment; and

(iii) The compensation (wage and fringe benefits) plan for all service employees performing work under the contract will be the same as that used for these employees and equivalent employees servicing the same equipment of commercial customers.

(2) Certain services as described in FAR 22.1003-4(d)(1). The offeror does does not certify that—

(i) The services under the contract are offered and sold regularly to non-Governmental customers, and are provided by the offeror (or subcontractor in the case of an exempt subcontract) to the general public in substantial quantities in the course of normal business operations;

(ii) The contract services will be furnished at prices that are, or are based on, established catalog or market prices (see FAR 22.1003-4(d)(2)(iii));

(iii) Each service employee who will perform the services under the contract will spend only a small portion of his or her time (a monthly average of less than 20 percent of the available hours on an annualized basis, or less than 20 percent of available hours during the contract period if the contract period is less than a month) servicing the Government contract; and

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(iv) The compensation (wage and fringe benefits) plan for all service employees performing work under the contract is the same as that used for these employees and equivalent employees servicing commercial customers.

(3) If paragraph (k)(1) or (k)(2) of this clause applies—

(i) If the offeror does not certify to the conditions in paragraph (k)(1) or (k)(2) and the Contracting Officer did not attach a Service Contract Labor Standards wage determination to the solicitation, the offeror shall notify the Contracting Officer as soon as possible; and

(ii) The Contracting Officer may not make an award to the offeror if the offeror fails to execute the certification in paragraph (k)(1) or (k)(2) of this clause or to contact the Contracting Officer as required in paragraph (k)(3)(i) of this clause.

(l) *Taxpayer identification number (TIN)* (26 U.S.C. 6109, 31 U.S.C. 7701). (Not applicable if the offeror is required to provide this information to the SAM database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (l)(3) through (l)(5) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M, and implementing regulations issued by the Internal Revenue Service (IRS).

(2) The TIN may be used by the government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(3) Taxpayer Identification Number (TIN).

TIN: _____.

TIN has been applied for.

TIN is not required because:

Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States;

Offeror is an agency or instrumentality of a foreign government;

Offeror is an agency or instrumentality of the Federal Government;

(4) Type of organization.

Sole proprietorship;

Partnership;

Corporate entity (not tax-exempt);

Corporate entity (tax-exempt);

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- Government entity (Federal, State, or local);
- Foreign government;
- International organization per 26 CFR 1.6049-4;
- Other _____.

(5) Common parent.

- Offeror is not owned or controlled by a common parent:
- Name and TIN of common parent:

Name _____

TIN _____

(m) *Restricted business operations in Sudan.* By submission of its offer, the offeror certifies that the offeror does not conduct any restricted business operations in Sudan.

(n) Prohibition on Contracting with Inverted Domestic Corporations—

(1) Government agencies are not permitted to use appropriated (or otherwise made available) funds for contracts with either an inverted domestic corporation, or a subsidiary of an inverted domestic corporation, unless the exception at 9.108-2(b) applies or the requirement is waived in accordance with the procedures at 9.108-4.

(2) *Representation.* The offeror represents that—

- (i) It is, is not an inverted domestic corporation; and
- (ii) It is, is not a subsidiary of an inverted domestic corporation.

(o) Prohibition on contracting with entities engaging in certain activities or transactions relating to Iran.

(1) The offeror shall email questions concerning sensitive technology to the Department of State at CISADA106@state.gov.

(2) Representation and Certification. Unless a waiver is granted or an exception applies as provided in paragraph (o)(3) of this provision, by submission of its offer, the offeror—

- (i) Represents, to the best of its knowledge and belief, that the offeror does not export any sensitive technology to the government of Iran or any entities or individuals owned or controlled by, or acting on behalf or at the direction of, the government of Iran;
- (ii) Certifies that the offeror, or any person owned or controlled by the offeror, does not engage in any activities for which sanctions may be imposed under section 5 of the Iran Sanctions Act; and
- (iii) Certifies that the offeror, and any person owned or controlled by the offeror, does not knowingly engage in any transaction that exceeds \$3,500 with Iran’s Revolutionary Guard Corps or any of its officials, agents, or affiliates, the property and interests in property of which are blocked pursuant to the International Emergency Economic

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Powers Act (50(U.S.C. 1701 et seq.) (see OFAC’s Specially Designated Nationals and Blocked Persons List at <http://www.treasury.gov/ofac/downloads/t11sdn.pdf>).

(3) The representation and certification requirements of paragraph (o)(2) of this provision do not apply if—

(i) This solicitation includes a trade agreements certification (e.g., 52.212-3(g) or a comparable agency provision); and

(ii) The offeror has certified that all the offered products to be supplied are designated country end products.

(p) *Ownership or Control of Offeror.* (Applies in all solicitations when there is a requirement to be registered in SAM or a requirement to have a DUNS Number in the solicitation.

(1) The Offeror represents that it has or does not have an immediate owner. If the Offeror has more than one immediate owner (such as a joint venture), then the Offeror shall respond to paragraph (2) and if applicable, paragraph (3) of this provision for each participant in the joint venture.

(2) If the Offeror indicates “has” in paragraph (p)(1) of this provision, enter the following information:

Immediate owner CAGE code: _____

Immediate owner legal name: _____

(Do not use a “doing business as” name)

Is the immediate owner owned or controlled by another entity:

Yes or No.

(3) If the Offeror indicates “yes” in paragraph (p)(2) of this provision, indicating that the immediate owner is owned or controlled by another entity, then enter the following information:

Highest level owner CAGE code: _____

Highest level owner legal name: _____

(Do not use a “doing business as” name)

(End of Provision)

52.212-4 CONTRACT TERMS AND CONDITIONS - - COMMERCIAL ITEMS (May 2015)

52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS (JAN 2016)
(IAW FAR 12.301(b)(4))

- (a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:
- (1) **52.209-10**, Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015).
 - (2) **52.233-3**, Protest After Award (Aug 1996)(31 U.S.C 3553).
 - (3) **52.233-4**, Applicable Law for Breach of Contract Claim (Oct 2004)(Public Laws 108-77 and 108-78 (19 U.S.C. 3805

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note)).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

- (1) **52.203-6**, Restrictions on Subcontractor Sales to the Government (Sep 2006), with **Alternate I** (Oct 1995)(41 U.S.C. 4704 and 10 U.S.C. 2402).
- (2) **52.203-13**, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509).
- (3) **52.203-15**, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)
- (4) **52.204-10**, Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2015) (Pub. L. 109-282) (31 U.S.C. 6101 note).
- (5) [Reserved]
- (6) **52.204-14**, Service Contract Reporting Requirements (Jan 2014) (Pub. L. 111-117, section 743 of Div. C).
- (7) **52.204-15**, Service Contract Reporting Requirements for Indefinite-Delivery Contracts (Jan 2014) (Pub. L. 111-117, section 743 of Div. C).
- (8) **52.209-6**, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Oct 2015) (31 U.S.C. 6101 note).
- (9) **52.209-9**, Updates of Publicly Available Information Regarding Responsibility Matters (Jul 2013) (41 U.S.C. 2313).
- (10) [Reserved]
- (11) (i) **52.219-3**, Notice of HUBZone Set-Aside or Sole-Source Award (Nov 2011)(15 U.S.C. 657a).
- (11) (ii) **Alternate I** (Nov 2011) of 52.219-3.
- (12) (i) **52.219-4**, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Oct 2014) (if the offeror elects to waive the preference, it shall so indicate in its offer)(15 U.S.C. 657a).
- (12) (ii) **Alternate I** (Jan 2011) of 52.219-4.
- (13) [Reserved]
- (14) (i) **52.219-6**, Notice of Total Small Business Set-Aside (Nov 2011)(15 U.S.C. 644).
- (14) (ii) **Alternate I** (Nov 2011).
- (14) (iii) **Alternate II** (Nov 2011).
- (15) (i) **52.219-7**, Notice of Partial Small Business Set-Aside (June 2003)(15 U.S.C. 644).
- (15) (ii) **Alternate I** (Oct 1995) of 52.219-7.
- (15) (iii) **Alternate II** (Mar 2004) of 52.219-7.
- (16) **52.219-8**, Utilization of Small Business Concerns (Oct 2014) (15 U.S.C. 637(d)(2) and (3)).
- (17) (i) **52.219-9**, Small Business Subcontracting Plan (Oct 2015)(15 U.S.C. 637(d)(4)). [\(In accordance with DDP Memo dated 9 Sep 2013, DAR Tracking Number 2013-O0014, Class Deviation—Summary Subcontract Report Submission, this clause is replaced with DFARS Deviation dated Aug 2013. Effective until incorporated into the FAR or DFARS or until rescinded.\)](#)
- (17) (ii) **Alternate I** (Oct 2001) of 52.219-9.
- (17) (iii) **Alternate II** (Oct 2001) of 52.219-9.
- (17) (iv) **Alternate III** (Oct 2015) of 52.219-9.

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- (18) **52.219-13**, Notice of Set-Aside of Orders (Nov 2011) (15 U.S.C. 644(r)).
- (19) **52.219-14**, Limitations on Subcontracting (Nov 2011)(15 U.S.C. 637(a)(14)).
- (20) **52.219-16**, Liquidated Damages—Subcontracting Plan (Jan 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- (21) **52.219-27**, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (Nov 2011)(15 U.S.C. 657 f).
- (22) **52.219-28**, Post Award Small Business Program Rerepresentation (Jul 2013) (15 U.S.C. 632(a)(2)).
- (23) **52.219-29**, Notice of Set-Aside for, or Sole source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (Dec 2015) (1 U.S.C. 637(m)).
- (24) **52.219-30**, Notice of Set-Aside for, or Sole source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (Dec 2015) (15 U.S.C. 637(m)).
- (25) **52.222-3**, Convict Labor (June 2003)(E.O. 11755).
- (26) **52.222-19**, Child Labor—Cooperation with Authorities and Remedies (Jan 2016)(E.O. 13126).
- (27) **52.222-21**, Prohibition of Segregated Facilities (Apr 2015).
- (28) **52.222-26**, Equal Opportunity (Apr 2015)(E.O. 11246).
- (29) **52.222-35**, Equal Opportunity for Veterans (Oct 2015)(38 U.S.C. 4212).
- (30) **52.222-36**, Equal Opportunity For Workers with Disabilities (Jul 2014)(29 U.S.C. 793).
- (31) **52.222-37**, Employment Reports on Veterans (Oct 2015)(38 U.S.C. 4212).
- (32) **52.222-40**, Notification of Employee Rights Under the National Labor relations Act (Dec 2010) E.O. 13496).
- (33) (i) **52.222-50**, Combating Trafficking in Persons (Mar 2015) (22 U.S.C. chapter 78 and E.O. 13627).
- (33) (ii) **Alternate I** (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).
- (34) **52.222-54**, Employment Eligibility Verification (Oct 2015). (E. O. 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)
- (35) (i) **52.223-9**, Estimate of Percentage of Recovered Material Content for EPA-Designated Items (May 2008)(42 U.S.C. 6962(c)(3)(A)(ii)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- (35) (ii) **Alternate I** (May 2008) of 52.223-9 (42 U.S.C. 6962(i)(2)(C)). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- (36) (i) **52.223-13**, Acquisition of EPEAT®-Registered Imaging Equipment (Jun 2014) (E.O.s 13423 and 13514).
- (36) (ii) **Alternate I** (Oct 2015) of 52.223-13.
- (37) (i) **52.223-14**, Acquisition of EPEAT®-Registered Televisions (Jun 2014) (E.O.s 13423 and 13514).
- (37) (ii) **Alternate I** (Jun 2014) of 52.223-14.
- (38) **52.223-15**, Energy Efficiency in Energy-Consuming Products (Dec 2007) (42.U.S.C. 8259b).
- (39) (i) **52.223-16**, Acquisition of EPEAT®-Registered Personal Computer Products (Oct 2015) (E.O.s 13423 and 13514).
- (39) (ii) **Alternate I** (Oct 2015) of 52.223-16.
- (40) **52.223-18**, Encouraging Contractor Policies to Ban Text Messaging While Driving (Aug 2011)(E.O.13513).
- (41) **52.225-1**, Buy American--Supplies (May 2014)(41 U.S.C. chapter 83).
- (42) (i) **52.225-3**, Buy American--Free Trade Agreements--Israeli Trade Act (May 2014) (41 U.S.C. chapter 83, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, 19 U.S.C.

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4001 note, Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43).

- (42) (ii) **Alternate I** (May 2014) of 52.225-3.
- (42) (iii) **Alternate II** (May 2014) of 52.225-3.
- (42) (iv) **Alternate III** (May 2014) of 52.225-3.
- (43) **52.225-5**, Trade Agreements (Nov 2013) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).
- (44) **52.225-13**, Restriction on Certain Foreign Purchases (Jun 2008)(E.O.s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of Treasury).
- (45) **52.225-26**, Contractors Performing Private Security Functions Outside the United States (Jul 2013) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
- (46) **52.226-4**, Notice of Disaster or Emergency Area Set-Aside (Nov 2007)(42 U.S.C. 5150).
- (47) **52.226-5**, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007)(42 U.S.C. 5150).
- (48) **52.232-29**, Terms for financing of Purchases of Commercial Items (Feb 2002)(41 U.S.C. 4505, 10 U.S.C. 2307(f)).
- (49) **52.232-30**, Installment Payments for Commercial Items (Oct 1995)(41 U.S.C. 4505, 10 U.S.C. 2307(f)).
- (50) **52.232-33**, Payment by Electronic Funds Transfer—System for Award Management (Jul 2013)(31.U.S.C. 3332).
- (51) **52.232-34**, Payment by Electronic Funds Transfer—Other than System for Award Management (Jul 2013)(31.U.S.C. 3332).
- (52) **52.232-36**, Payment by Third Party (May 2014) (31 U.S.C. 3332).
- (53) **52.239-1**, Privacy or Security Safeguards (Aug 1996)(5 U.S.C. 552a).
- (54) (i) **52.247-64**, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631).
- (54) (ii) **Alternate I** (Apr 2003) of 52.247-64.

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

- (1) **52.222-17**, Nondisplacement of Qualified Workers (May 2014) (E.O. 13495).
- (2) **52.222-41**, Service Contract Labor Standards (May 2014) (41 U.S.C. chapter 67).
- (3) **52.222-42**, Statement of Equivalent Rates for Federal Hires (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).
- (4) **52.222-43**, Fair Labor Standards Act and Service Contract Labor Standards--Price Adjustment (Multiple Year and Option Contracts) (May 2014)(29 U.S.C. 206 and 41 U.S.C. chapter 67).
- (5) **52.222-44**, Fair Labor Standards Act and Service Contract Labor Standards - Price Adjustment (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).
- (6) **52.222-51**, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (May 2014) (41 U.S.C. chapter 67).
- (7) **52.222-53**, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (May 2014)(41 U.S.C. chapter 67).
- (8) **52.222-55**, Minimum Wages Under Executive Order 13658 (Dec 2015)(E. O. 13658).
- (9) **52.226-6**, Promoting Excess Food Donation to Nonprofit Organizations. (May 2014) (42 U.S.C. 1792).

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_____ (10) **52.237-11**, Accepting and Dispensing of \$1 Coin (Sep 2008) (31 U.S.C. 5112(p)(1)).

(d) *Comptroller General Examination of Record*. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at 52.215-2, Audit and Records--Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR Subpart 4.7, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in paragraphs (e)(1) of this paragraph in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

(i) **52.203-13**, Contractor Code of Business Ethics and Conduct (Oct 2015) (41 U.S.C. 3509).

(ii) **52.219-8**, Utilization of Small Business Concerns (Oct 2014) (15 U.S.C. 637(d)(2) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$700,000 (\$1.5 million for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.

(iii) **52.222-17**, Nondisplacement of Qualified Workers (May 2014) (E.O. 13495). Flow Down required in accordance with paragraph (l) of FAR clause 52.222-17.

(iv) **52.222-21**, Prohibition of Segregated Facilities (Apr 2015).

(v) **52.222-26**, Equal Opportunity (Apr 2015) (E.O. 11246).

(vi) **52.222-35**, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212).

(vii) **52.222-36**, Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C. 793).

(viii) **52.222-37**, Employment Reports on Veterans (Oct 2015) (38 U.S.C. 4212).

(ix) **52.222-40**, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.

(x) **52.222-41**, Service Contract Labor Standards (May 2014) (41 U.S.C. chapter 67).

(xi) X (A) **52.222-50**, Combating Trafficking in Persons (Mar 2015) (22 U.S.C. chapter 78 and E.O. 13627).
_____ (B) **Alternate I** (Mar 2015) of 52.222-50 (22 U.S.C. chapter 78 and E.O. 13627).

(xii) **52.222-51**, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (May 2014) (41 U.S.C. chapter 67).

(xiii) **52.222-53**, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (May 2014) (41 U.S.C. chapter 67).

(xiv) **52.222-54**, Employment Eligibility Verification (Oct 2015) (E. O. 12989).

(xv) **52.222-55**, Minimum Wages Under Executive Order 13658 (Dec 2015) (E. O. 13658).

(xvi) **52.225-26**, Contractors Performing Private Security Functions Outside the United States (Jul 2013) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).

(xvii) **52.226-6**, Promoting Excess Food Donation to Nonprofit Organizations (May 2014) (42 U.S.C. 1792). Flow down required in accordance with paragraphs (e) of FAR clause 52.226-6.

(xviii) **52.247-64**, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (46 U.S.C. Appx 1241(b) and 10 U.S.C. 2631). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.

(2) While not required, the Contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

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THE FOLLOWING IS FILL-IN DATA FOR CLAUSE 52.212-5 PARA (b)(22):

52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (JUL 2013)

(g) If the Contractor does not have representations and certifications in SAM, or does not have a representation in SAM for the NAICS code applicable to this contract, the Contractor is required to complete the following rerepresentation and submit it to the contracting office, along with the contract number and the date on which the rerepresentation was completed:

The Contractor represents that it is, is not a small business concern under NAICS Code _____ assigned to contract number _____.

[Contractor to sign and date and insert authorized signer's name and title].

52.232-40 PROVIDING ACCELERATED PAYMENTS TO SMALL BUSINESS SUBCONTRACTORS (DEC 2013)

ADDENDUM

452.204 -70 INQUIRIES. (FEB 1988)

452.209 - 70 REPRESENTATION BY CORPORATIONS REGARDING AN UNPAID DELINQUENT TAX LIABILITY OR A FELONY CONVICTION (Alternate 1 (FEB 2012)

(a) Awards made under this solicitation are subject to the provisions contained in the Consolidated Appropriations Act, 2012 (P.L. No. 112-74), Division E, Sections 433 and 434 regarding corporate felony convictions and corporate federal tax delinquencies. To comply with these provisions, all offerors must complete paragraph (1) of this representation, and all corporate offerors also must complete paragraphs (2) and (3) of this representation.

(b) **The Offeror represents that –**

(1) The Offeror **is** , **is not** (**check one**) an entity that has filed articles of incorporation in one of the fifty states, the District of Columbia, or the various territories of the United States including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, U.S. Virgin Islands. (Note that this includes both for-profit and non-profit organizations.) If the Offeror checked “is” above, the Offeror must complete paragraphs (2) and (3) of the representation. If Offeror checked “is not” above, Offeror may leave the remainder of the representation blank.

(2)(i) The Offeror **has** , **has not** (**check one**) been convicted of a felony criminal violation under Federal or State law in the 24 months preceding the date of offer.

(ii) Offeror **has** , **has not** (**check one**) had any officer or agent of Offeror convicted of a felony criminal violation for actions taken on behalf of Offeror under Federal law in the 24 months preceding the date of offer.

(3) The Offeror **does** , **does not** (**check one**) have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

(End of provision)

452.211-72 STATEMENT OF WORK/SPECIFICATIONS. (FEB 1988)

The Contractor shall furnish the necessary personnel, material, equipment, services and facilities (except as otherwise specified), to perform the Statement of Work/Specifications

452.211-74 PERIOD OF PERFORMANCE. (FEB 1988)

The period of performance of this contract is from April 4th, 2016 through November 15th, 2016.

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(End of Clause).

452.228-71 INSURANCE COVERAGE. (NOV 1996)

Pursuant to FAR clause 52.228-5, Insurance-Work on a Government Installation, the Contractor will be required to present evidence to show, as a minimum, the amounts of insurance coverage indicated below:

(a) Workers Compensation and Employer's Liability. The Contractor is required to comply with applicable Federal and State workers' compensation and occupational disease statutes. If occupational diseases are not compensable under those statutes, they shall be covered under the employer's liability section of the insurance policy, except when contract operations are so commingled with a Contractor's commercial operations that it would not be practical to require this coverage. Employer's liability coverage of at least \$100,000 shall be required, except in States with exclusive or monopolistic funds that do not permit worker's compensation to be written by private carriers.

(b) General Liability. The Contractor shall have bodily injury liability insurance coverage written on a comprehensive form of policy of at least \$500,000 per occurrence.

(c) Automobile Liability. The Contractor shall have automobile liability insurance written on a comprehensive form of policy. The policy shall provide for bodily injury and property damage liability covering the operation of all automobiles used in connection with performing the contract. Policies covering automobiles operated in the United States shall provide coverage of at least \$200,000 per person and 500,000 per occurrence for bodily injury and \$20,000 per occurrence for property damage or loss.

(d) Aircraft Public and Passenger Liability. When aircraft are used in connection with performing the contract, the Contractor shall have aircraft public and passenger liability insurance. Coverage shall be at least \$200,000 per person and \$500,000 per occurrence for bodily injury, other than passenger injury. Coverage for passenger injury shall be at least \$200,000 multiplied by the number of seats or passengers, whichever is greater.

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