

AG-03H6-S-14-0004  
Helena National Forest  
Bridge Materials

Issued: **May 13, 2014**

This solicitation is issued as a Request for Quotation (RFQ).

The solicitation and incorporated provisions and clauses are those in effect through the most current Federal Acquisition Circular FAC 2005-73.

**The applicable North American Industry Classification (NAICS) is 321114 (Wood Preservation).** Size Standard is 500 Employees

**This is 100% small business set-aside.**

**General Information:**

The intent of this solicitation is to purchase bridge materials (supply only). See quote details for complete description.

**Provide quote by: 4:00 PM, Mountain Standard Time on May 19, 2014**

**DOCUMENTS TO RETURN:**

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

1. Schedule of Items
2. Completed provisions FAR and AGAR

**Quotes shall include:** An itemized list of supply quoted with price to include delivery to the stated locations.

**Send quote to:** Forest Service, East Side Acquisition Team (ESAT)  
Attn: Alisha Knaub  
415 South Front Street  
Townsend, MT 59644  
FAX: (406) 266-5484

E-mail to: [aknaub@fs.fe.us](mailto:aknaub@fs.fe.us)

For solicitation questions call Alisha Knaub at (406)495-3860.

**Delivery** needs to be on or before **July 15, 2014.**

Quote and award information will be posted electronically at <http://www.fs.usda.gov/detail/helena/workingtogether/contracting/?cid=stelprdb5360652> per FAR 5.101.

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COMPANY NAME: \_\_\_\_\_  
 DUNS NUMBER: \_\_\_\_\_  
 PHONE NUMBER: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_  
 CONTACT EMAIL: \_\_\_\_\_

**Quote Details:**

**Section B—SUPPLIES OR SERVICES AND PRICES**

ITEM A

**SECTION C – DESCRIPTION/SPECIFICATIONS**

MATERIAL	WIDTH	DEPTH	LENGTH	QTY (Each)	UNIT PRICE	TOTAL PRICE
Treated Glu-Lam Deck, 4'-0"W x 5 1/8"D x 15'-6" panel	4'-0"	5 1/8"	15'-6"	7		
Treated Glu-Lam Curb Blocks, 10 3/4"W x 15"D x 2'-4"L	10 3/4"	15"	2'-4"	10		
Treated Glu-Lam Curb Railing (Spliced), 10 3/4"W x 6"D x 15'-2"L	10 3/4"	6"	15'-2"	4		
Ring Shank Nails	N/A	N/A	10"	224		
<b>TOTAL PRICE</b>						

**Scope of Contract**

**C-1 – Project Description and Location**

**DESCRIPTION OF WORK.** The project includes the fabrication and delivery of bridge materials for the Helena National Forest. All hardware shown on drawings is considered part of the "bridge materials" this includes appropriate number of ring shank nails.

**MATERIAL DROP OFF LOCATION.** Helena Ranger District Work Center, 2001 Poplar Street, Helena, MT 59601. **Call two days in advance of delivery** and ask for Don Senn at 406-495-2742.

**GLUED LAMINATES:** Glued-laminated members shall be of coastal region douglas-fir conforming to the American Institute of Timber Construction (AITC) 117-2001, Combination Symbol 3, 4, or 5, and shall be manufactured for wet condition use and industrial appearance after fabrication.

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**TREATMENT:** After fabrication, all lumber shall be incised and pressure treated in accordance with AWWPA U1 using Pentachlorophenol or Copper Naphthanate in heavy oil (Type I solvent). Treat to use category UC4B. Comply with the requirements of the current edition of WWPI's Best Management Practices for the use of treated wood in aquatic environments.

**HARDWARE:** All steel shapes, plates, and bars shall conform to AASHTO M270 Grade 36 (ASTM A36). All bolts and nuts shall conform to ASTM A307 except as noted. Hardware and steel elements are to be uncoated (black). Use malleable iron washers against wood except where noted otherwise. Ring Shank Nails must meet or exceed the American Society for Testing and Materials specification A-153 Class D.

**FABRICATION:** Submit shop drawings for all bridge components. Show all dimensions and fabrication details for all cut or bored timber. Mark all pieces on the drawings.

**INSPECTION AND CERTIFICATION:** The following compliance certificates shall be furnished upon delivery:

1. Supplier certification, from a WWPA or WCLIB approved supplier, that all wood materials meet requirements as to species and grade.
2. Certification of preservative, penetration in inches, and retention in pounds per cubic foot (assay method) by either a qualified testing and inspection agency or supplier certification. Supplier certification requires each solid piece to be stamped or branded with the ALSC quality mark.
3. Certification from a qualified inspection and testing agency indicating conformance of all glued-laminated members with AITC 117-04.
4. Supplier certification that all treated wood materials were treated in accordance with and meet the requirements of WWPI's "Best Management Practices for the use of treated wood in aquatic environments".

**OTHER NOTES:**

- a. Curb rail ends shall be beveled per detail on drawing prior to application of preservative treatment.
- b. Bolt holes in curb blocks shall be prebored per detail on drawing by fabricator prior to application of preservative treatment.

**C-3 – Drawings**

The following drawings are a part of this solicitation and any resulting contract:

Trail Bridge Typicals .....1-3

**C-4- Specifications**

The following specifications are a part of this solicitation and any resulting contract:

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## **Section 101. – TERMS, FORMAT, AND DEFINITIONS**

**101.01 Meaning of Terms.** These specifications are generally written in the imperative mood. In sentences using the imperative mood, the subject, "the Contractor," is implied. Also implied in this language are "shall," "shall be," or similar words and phrases. In material specifications, the subject may also be the supplier, fabricator, or manufacturer supplying material, products, or equipment for use on the project.

Wherever "directed," "required," "prescribed," or other similar words are used, the "direction," "requirement," or "order" of the Contracting Officer is intended. Similarly, wherever "approved," "acceptable," "suitable," "satisfactory," or similar words are used, the words mean "approved by," "acceptable to," or "satisfactory to" the Contracting Officer.

The word "will" generally pertains to decisions or actions of the Contracting Officer.

## **Section 103. — SCOPE OF WORK**

**103.01 Intent of Contract.** The intent of the contract is to provide for the construction and completion of the work described. The precise details of performing the work are not stipulated except as considered essential for the successful completion of the work. Furnish all labor, material, equipment, tools, transportation, and supplies necessary to complete the work according to the contract.

## **Section 105. — CONTROL OF MATERIAL**

**105.01 Source of Supply and Quality Requirements.**

Select sources and provide acceptable material. Material may be approved at the source of supply before delivery to the project. Approval does not constitute acceptance. If an approved source does not continue to supply acceptable material during the life of the project, further use of that source may be denied.

## **Section 106. — ACCEPTANCE OF WORK**

**106.01 Conformity with Contract Requirements.**

References to standard test methods of AASHTO, ASTM, GSA, and other recognized standard authorities refer to the methods in effect on the date of solicitation for bids. Perform work according to the contract requirements. Perform all work to the lines, grades, cross-sections, dimensions, and processes or material requirements shown on the plans or specified in the contract.

Incorporate manufactured materials into the work according to the manufacturer's recommendations or to these specifications, whichever is stricter. Plan dimensions and contract specification values are the values to be strived for and complied with as the design values from which any deviations are allowed. Perform work and provide material that is uniform in character and reasonably close to the prescribed value or within the specified tolerance range. The purpose of a tolerance range is to accommodate occasional minor variations from the median zone that are unavoidable for practical reasons.

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Acceptable work conforming to the contract will be paid for at the contract unit bid price. Four methods of determining conformity and accepting work are described in Subsections 106.02 to 106.04 inclusive. The primary method of acceptance is specified in each Section of work. However, work may be rejected at any time it is found by any of the methods not to comply with the contract.

Remove and replace work that does not conform to the contract, or to prevailing industry standards where no specific contract requirements are noted, at no cost to the Government. As an alternative to removal and replacement, the Contractor may submit a written request to:

Have the work accepted at a reduced price; or

Be given permission to perform corrective measures to bring the work into conformity.

The request must contain supporting rationale and documentation. Include references or data justifying the proposal based on an evaluation of test results, effect on service life, value of material or work, quality, aesthetics, and other tangible engineering basis. The CO will determine disposition of the nonconforming work.

When standard manufactured items are specified (such as fence, wire, plates, rolled shapes, pipe conduits, etc., that are identified by gauge, unit mass, section dimensions, etc.), the identification will be considered to be nominal masses or dimensions. Unless specific contract tolerances are noted, established manufacturing tolerances will be accepted.

**106.02 Visual Inspection.** Acceptance is based on visual inspection of the work for compliance with the contract and prevailing industry standards.

**106.03 Certification.** For material manufactured off-site, use a manufacturer with an ISO 9000 certification or an effective testing and inspection system. Require the manufacturer to clearly mark the material or packaging with a unique product identification or specification standard to which it is produced. Other than references in or to the FAR or Federal Law, when these Standard Specifications reference certifications; certificates; or certified documents, equipment, or individuals, these references are not certifications under Section 4301 of Public Law 104-106, National Defense Authorization Act for Fiscal Year 1996. These references refer to documentation of non-regulatory, peripheral contract requirements that are required to be validated by an individual or organization having unique knowledge or qualifications to perform such validation.

Material accepted by certification may be sampled and tested at any time. If found not in conformance with the contract, the material will be rejected whether in place or not.

One of the following certifications may be required:

(a) **Production certification.** Material requiring a production certification is identified in the Acceptance Subsection of each Section. Require the manufacturer to furnish a production certification for each shipment of material. Include the following with each production certification:

(1) Date and place of manufacture;

(2) Lot number or other means of cross-referencing to the manufacturer's inspection and testing system; and

(3) Substantiating evidence that the material conforms to the contract quality requirements as required by FAR 46.105(a)(4), including all of the following:

(a) Test results on material from the same lot and documentation of the inspection and testing system;

(b) A statement from the manufacturer that the material complies with all contract requirements; and

(c) Manufacturer's signature or other means of demonstrating accountability for the certification.

**106.04 Measured or Tested Conformance.** Provide all necessary production and processing of the work and control performance of the work so that all of the work complies with the contract requirements.

Results from inspection or testing shall have values within the specified tolerances or specification limits. When no tolerance values are identified in the contract, the work will be accepted based on customary manufacturing and construction tolerances.

## **Section 109. — MEASUREMENT AND PAYMENT**

**109.01 Measurement of Work.** Take and record measurements and perform calculations to determine pay quantities for invoicing for work performed. Take or convert all measurements of work according to United States customary measure. Unless otherwise specified, measure when the work is in place, complete, and accepted.

Submit the final measurement when the installation is completed.

Use an acceptable format for measurement records. As a minimum, include the following information in all records of measurement:

- (a) Project name and number;
- (b) Contract item number;
- (c) Date the work was performed;
- (d) Location of the work;
- (e) Measured quantity;
- (f) Calculations made to arrive at the quantity;
- (g) Signed certification statement by the persons taking the measurements, performing the calculations, and submitting them for payment that the measurement and calculations are correct to the best of their knowledge and that the quantity being measured is subject to direct payment for the identified item under the contract.

**109.02 Measurement Terms and Definitions.** Unless otherwise specified, the following terms are defined as follows:

- (a) Each. One entire unit. The quantity is the actual number of units completed and accepted.
- (b) Lump sum. Do not measure directly. The bid amount is complete payment for all work described in the contract and necessary to complete the work for that item. The quantity is designated as "All." Estimated quantities of lump sum work shown in the contract are approximate.

**109.05 Scope of Payment.** Payment for all contract work is provided, either directly or indirectly, under the pay items shown in the bid schedule.

(a) **Direct payment.** Payment is provided directly under a pay item shown in the bid schedule when one of the following applies:

- (1) The work is measured in the Measurement Subsection of the Section ordering the work, and the bid schedule contains a pay item for the work from the Section ordering the work.
- (2) The Measurement Subsection, of the Section ordering the work, references another Section for measuring the work and the bid schedule contains a pay item for the work from the referenced Section.

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(b) **Indirect payment.** Work for which direct payment is not provided is a subsidiary obligation of the Contractor. Payment for such work is indirectly included under other pay items shown in the bid schedule. This includes instances when the Section ordering the work references another Section for performing the work and the work is not referenced in the Measurement Subsection of the Section ordering the work.

Compensation provided by the pay items included in the contract bid schedule is full payment for performing all contract work in a complete and acceptable manner. All risk, loss, damage, or expense arising out of the nature or prosecution of the work is included in the compensation provided by the contract pay items. Work measured and paid for under one pay item will not be paid for under any other pay item.

The quantities shown in the bid schedule are approximate unless designated as a contract quantity. Limit pay quantities to the quantities staked, ordered, or otherwise authorized before performing the work. Payment will be made for the actual quantities of work performed and accepted or material furnished according to the contract. No payment will be made for work performed in excess of that staked, ordered, or otherwise authorized.

### **Section 557. — TIMBER STRUCTURES**

#### **Description**

**557.01** This work consists of furnishing, preparing, erecting, and painting structural timber, including all required yard lumber and hardware.

#### **Material**

**557.02** Conform to the following Sections and Subsections:

Hardware 716.02

Structural glued laminated timber 716.04

Treated structural timber and lumber 716.03

#### **Construction Requirements**

**557.03** General. Furnish structural lumber and timber of the required stress and grade.

Close-stack treated material to shed water.

Protect material from the weather. If covered, use sheet material such as water-resistant paper or opaque polyethylene film. Do not cover with impervious membranes such as polyethylene film during dry weather. Slit individual wrappings full length or puncture on the lower side to permit drainage of water.

Store and protect glued laminated timber according to the recommendations for unloading and handling, job site storage, and erection in "Recommended Practice for Protection of Structural Glued Laminated Timber During Transit, Storage, and Erection," AITC 111. Use slings or other devices to protect corners of heavy construction timbers and banded packages of lighter construction timber.

Cut and form all lumber and construction timber so all joints will have even bearing over the entire contact surface. Do not use shims in making joints. Construct all joints to be closed. Use the same end, face, and edge of the timber member for all layout dimensions. Bore all holes from mating faces.

Furnish the following to the Government upon delivery of the materials to the jobsite:

1. Supplier certification, from a WWPA or WCLIB approved supplier, that all wood materials meet requirements as to species and grade.
2. Certification of preservative, penetration in inches, and retention in pounds per cubic foot (assay method) by either a qualified testing and inspection agency or supplier certification. Supplier certification requires each solid piece to be stamped or branded with the ALSC quality mark.

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3. Certification from a qualified inspection and testing agency indicating conformance of all glued-laminated members with AITC 117-04.
4. Supplier certification that all treated wood materials were treated in accordance with and meet the requirements of WWPI's "Best Management Practices for the use of treated wood in aquatic environments".

**557.04** Treated Timber. Fabricate timbers before treatment. Handle treated timber according to the Consumer Information Sheet published by the AWPA. Handle treated timbers carefully and do not drop, damage outer fibers, or penetrate the surface with tools. Do not use cant dogs, hooks, or pike poles. In coastal waters, do not cut or bore timber below the high-water mark.

**557.05** Holes for Bolts, Dowels, Rods, and Lag Screws. Bore all holes before preservative treating the wood. Bore holes for round drift pins and dowels to the same diameter as the dowel or pin. Bore holes for square drift pins and dowels to a diameter equal to the side dimension of the pin or dowel.

Bore holes for galvanized bolts to 1/8 inch larger than the diameter of the bolt. Bore holes for lag screws according to Subsection 7.3.1. of the AITC Timber Construction Manual.

**557.06** Bolts and Washers. Galvanize hardware and fasteners including nails, spikes, bolts, washers, and timber connectors. Do not galvanize malleable iron or cast-iron hardware or fasteners.

Use washers under all bolt heads and nuts in contact with wood. Use malleable iron washers with a diameter approximately three times the bolt diameter. Use cast-iron washers when the timber is in contact with the ground. Use square washers only when indicated on the contract plans.

**557.13** Plank Floors. Carefully grade the planks as to thickness and lay so that no 2 adjacent planks vary in thickness by more than 1/16 inch.

#### **Measurement**

**557.20** Measure the Section 557 items listed in the bid schedule according to Subsection 109.02 and the following as applicable.

#### **Payment**

**557.21** The accepted quantities will be paid at the contract price per unit of measurement for the Section 557 pay items listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

### **Section 716. — MATERIAL FOR TIMBER STRUCTURES**

**716.02** Hardware. Machine bolts, drift bolts and dowels may be medium steel. Fabricate washers from gray iron or malleable iron castings unless structural washers are specified. Use square-headed bolts and nuts. Use a standard commercial type of cut or round nail. Use cut, round, or boat spikes as specified.

Galvanize all hardware according to AASHTO M 232 or cadmium plate all hardware according to ASTM B 766, class 12, type III.

Use ring or shear-plate timber connectors conforming to AASHTO Standard Specifications for Highway Bridges Division II, article 16.2.6, Timber Connectors.

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**716.03** Treated Structural Timber and Lumber. Incise all wood and make all dimensional cuts and holes in the wood before pressure treatment. Treat the wood and mark each piece of treated timber according to AASHTO M 133. Treat glued laminated timber members according to AWWA Standards C14 and C28. Use the type of treatment and minimum net retention of preservative shown in the plans.

Treat timber members according to Best Management Practices for the Use of Treated Wood in Aquatic Environments as published by the Western Wood Preservers Association. All treated timber members must have a quality mark approved by the American Lumber Standards Committee for individual pieces or sealed pallets assuring that treatment conforms to the appropriate AWWA standards. Provide a production certification for each lot of treated wood according to Subsection 106.03. Indicate the preservative used, penetration in inches, retention in pounds per cubic foot (assay method), and the "Best Management Practices" used in treating timber members.

**716.04** Structural Glued Laminated Timber. Furnish structural glued laminated timber according to AITC 117. Fabricate according to the combination and grade as indicated in the contract. Fabricate structural glued laminated members according to ANSI/AITC A190.1, Structural Glued Laminated Timber.

Manufacture members as industrial appearance grade for wet use conditions, using a phenol-resorcinol resin type of adhesive throughout. Use only single- or multiple-piece laminations with bonded edge joints.

## Terms and Conditions

### **52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders -- Commercial Items (Mar 2012)**

(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) 52.222-50, Combating Trafficking in Persons (FEB 2009) (22 U.S.C. 7104(g)).

\_\_\_\_ Alternate I (AUG 2007) of 52.222-50 (22 U.S.C. 7104(g)).

(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) (Pub. L. 108-77, 108-78).

(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:

\_\_\_\_ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) (41 U.S.C. 253g and 10 U.S.C. 2402).

\_\_\_\_ (2) 52.203-13, Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

\_\_\_\_ (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 (Feb 2012) (Pub. L. 109-282) (31 U.S.C. 6101 note).

\_\_\_\_ (5) 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-5).

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- \_\_\_ (6) 52.209-6, Protecting the Government' Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Dec 2010) (31 U.S.C. 6101 note).
- \_\_\_ (7) 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters (Jan 2012) (41 U.S.C. 2313).
- \_\_\_ (8) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (section 740 of Division C of Public Law 111-117, section 743 of Division D of Public Law 111-8, and section 745 of Division D of Public Law 110-161).
- \_\_\_ (9) 52.219-3, Notice of HUBZone Set-Aside or Sole-Source Award (Nov 2011) (15 U.S.C. 657a).
- \_\_\_ (10) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 2011) (if the offeror elects to waive the preference, it shall so indicate in its offer)(15 U.S.C. 657a).
- \_\_\_ (11) [Reserved]
- (12) (i) 52.219-6, Notice of Total Small Business Aside (Nov 2011) (15 U.S.C. 644).
- \_\_\_ (ii) Alternate I (Nov 2011).
- \_\_\_ (iii) Alternate II (Nov 2011).
- \_\_\_ (13) (i) 52.219-7, Notice of Partial Small Business Set-Aside (June 2003) (15 U.S.C. 644).
- \_\_\_ (ii) Alternate I (Oct 1995) of 52.219-7.
- \_\_\_ (iii) Alternate II (Mar 2004) of 52.219-7.
- \_\_\_ (14) 52.219-8, Utilization of Small Business Concerns (Jan 2011) (15 U.S.C. 637(d)(2) and (3)).
- \_\_\_ (15) (i) 52.219-9, Small Business Subcontracting Plan (Jan 2011) (15 U.S.C. 637 (d)(4).)
- \_\_\_ (ii) Alternate I (Oct 2001) of 52.219-9.
- \_\_\_ (iii) Alternate II (Oct 2001) of 52.219-9.
- \_\_\_ (iv) Alternate III (July 2010) of 52.219-9.
- \_\_\_ (16) 52.219-13, Notice of Set-Aside of Orders (Nov 2011) (15 U.S.C. 644(r)).
- \_\_\_ (17) 52.219-14, Limitations on Subcontracting (Nov 2011) (15 U.S.C. 637(a)(14)).
- \_\_\_ (18) 52.219-16, Liquidated Damages—Subcontracting Plan (Jan 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- \_\_\_ (19) (i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Oct 2008) (10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).
- \_\_\_ (ii) Alternate I (June 2003) of 52.219-23.
- \_\_\_ (20) 52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting (Dec 2010) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- \_\_\_ (21) 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- \_\_\_ (22) 52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Nov 2011) (15 U.S.C. 657f).

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(23) 52.219-28, Post Award Small Business Program Representation (Apr 2009) (15 U.S.C. 632(a)(2)). The Contractor represents that it  is,  is **not** a small business concern under NAICS Code 321114 assigned to contract number: \_\_\_\_\_

\_\_\_\_\_  
Contractor's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Contractor's Name

\_\_\_\_\_  
Contractor's Title

\_\_\_\_ (24) 52.219-29, Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business Concerns (Nov 2011).

\_\_\_\_ (25) 52.219-30, Notice of Set-Aside for Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (Nov 2011).

(26) 52.222-3, Convict Labor (June 2003) (E.O. 11755).

(27) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (Mar 2010) (E.O. 13126).

(28) 52.222-21, Prohibition of Segregated Facilities (Feb 1999).

(29) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).

\_\_\_\_ (30) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).

(31) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).

\_\_\_\_ (32) 52.222-37, Employment Reports on Veterans (Sep 2010) (38 U.S.C. 4212).

\_\_\_\_ (33) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).

(34) 52.222-54, Employment Eligibility Verification (Jan 2009). (Executive Order 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.)

\_\_\_\_ (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) 52.223-15, Energy Efficiency in Energy-Consuming Products (Dec 2007) (42 U.S.C. 8259b).

\_\_\_\_ (37) (i) 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (Dec 2007) (E.O. 13423).

\_\_\_\_ (ii) Alternate I (Dec 2007) of 52.223-16.

(38) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging while Driving (Aug 2011).

\_\_\_\_ (39) 52.225-1, Buy American Act--Supplies (Feb 2009) (41 U.S.C. 10a-10d).

(40) (i) 52.225-3, Buy American Act--Free Trade Agreements--Israeli Trade Act (June 2009) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, Pub. L. 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, and 110-138).

\_\_\_\_ (ii) Alternate I (Jan 2004) of 52.225-3.

\_\_\_\_ (iii) Alternate II (Jan 2004) of 52.225-3.

\_\_\_\_ (41) 52.225-5, Trade Agreements (Mar 2012) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).

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X (42) 52.225-13, Restrictions on Certain Foreign Purchases (Jun 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

\_\_\_ (43) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).

\_\_\_ (44) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).

\_\_\_ (45) 52.232-29, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

\_\_\_ (46) 52.232-30, Installment Payments for Commercial Items (Oct 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

X (47) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (Oct. 2003) (31 U.S.C. 3332).

\_\_\_ (48) 52.232-34, Payment by Electronic Funds Transfer—Other Than Central Contractor Registration (May 1999) (31 U.S.C. 3332).

\_\_\_ (49) 52.232-36, Payment by Third Party (Feb 2010) (31 U.S.C. 3332).

\_\_\_ (50) 52.239-1, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).

\_\_\_ (51) (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).

\_\_\_ (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) 52.222-41, Service Contract Act of 1965 (Nov 2007) (41 U.S.C. 351, *et seq.*).

\_\_\_ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (May 1989) (29

\_\_\_ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act -- Price Adjustment (Multiple Year and Option Contracts) (Sep 2009) (29 U.S.C.206 and 41 U.S.C. 351, *et seq.*).

\_\_\_ (4) 52.222-44, Fair Labor Standards Act and Service Contract Act -- Price Adjustment (Sep 2009) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).

\_\_\_ (5) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (Nov 2007) (41 U.S.C. 351, *et seq.*).

\_\_\_ (6) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services--Requirements (Feb 2009) (41 U.S.C. 351, *et seq.*).

\_\_\_ (7) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247).

\_\_\_ (8) 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

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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 this paragraph (e)(1) 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 (Apr 2010) (Pub. L.110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).

(ii) 52.219-8, Utilization of Small Business Concerns (Dec 2010) (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 \$650,000 (\$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) [Reserved]

(iv) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).

(v) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).

(vi) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).

(vii) 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.

(viii) 52.222-41, Service Contract Act of 1965, (Nov 2007), (41 U.S.C. 351, *et seq.*)

(ix) 52.222-50, Combating Trafficking in Persons (Feb 2009) (22 U.S.C. 7104(g)).

\_\_\_\_ Alternate I (Aug 2007) of 52.222-50 (22 U.S.C. 7104(g)).

(x) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment--Requirements (Nov 2007) (41 U.S.C. 351, *et seq.*)

(xi) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services--Requirements (Feb 2009) (41 U.S.C. 351, *et seq.*)

(xii) 52.222-54, Employment Eligibility Verification (Jan 2009).

(xiii) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.

(xiv) 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.

**52.216-1 Type of Contract. (APR 1984)**

The Government contemplates award of a firm-fixed price contract resulting from this solicitation.

**52.223-2 Affirmative Procurement of Bio-based Products Under Service and Construction Contracts** applies and should be completed with annual certifications and representations in [www.sam.gov](http://www.sam.gov).

**52.246-1 -- Contractor Inspection Requirements. (Apr 1984)**

The Contractor is responsible for performing or having performed all inspections and tests necessary to substantiate that the supplies or services furnished under this contract conform to contract requirements, including any applicable technical requirements for specified manufacturers' parts. This clause takes

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precedence over any Government inspection and testing required in the contract's specifications, except for specialized inspections or tests specified to be performed solely by the Government.

### AGENCY CLAUSES

#### **452.209-71 Assurance Regarding Felony Conviction or Tax Delinquent Status for Corporate Applicants ALT 1 (FEB 2012)**

- (a) This award is 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. Accordingly, by accepting this award the contractor acknowledges that is –
- (1) does not have a tax delinquency, meaning that it is not subject to 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, and
- (2) has not been convicted (or had an officer or agent acting on its behalf convicted) of a felony criminal violation under any Federal law within 24 months preceding the award, unless a suspending and debarring official of the United States Department of Agriculture has considered suspension or debarment of the awardee, or such officer or agent, based on these convictions and/or tax delinquencies and determined that suspension or debarment is not necessary to protect the interests of the Government.
- (b) If the awardee fails to comply with these provisions, the Forest Service may terminate this contract for default and may recover any funds the awardee has received in violation of sections 433 and 434.

### PROVISIONS

#### **452.209 – 70 Re-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.

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ations.

**52.212-1, Instruction to Offerors-Commercial Items**, applies without addenda apply by reference. The FAR clauses and provisions can be accessed via Internet at [www.acquisition.gov/far](http://www.acquisition.gov/far).

**52.212-2 Evaluation - Commercial Items. (JAN 1999)** - Contract will be awarded to the responsive and responsible small business offering the best value to the Government considering price, past performance and delivery.

**52.212-3 -- Offeror Representations and Certifications -- Commercial Items (Feb 2012)**, applies without addenda apply by reference. The FAR clauses and provisions can be accessed via Internet at [www.acquisition.gov/far](http://www.acquisition.gov/far).

Offeror shall be registered in the System for Award Management (SAM) database and have completed the annual representations and certificates electronically via <https://www.sam.gov> to be eligible for award. If an offeror has not completed the annual representations and certifications electronically at this website, the offeror shall provide a complete copy of their representations and certifications at time of quote.