

## AMS/FAST CHANGE REQUEST (CR) COVERSHEET

**Change Request Number:** 18-40

**Date Received:** 6/26/18

**Title:** AMS Contract Clause Change 93

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**Policy and Guidance:** (check all that apply)

- Policy
- Procurement Guidance
- Real Estate Guidance
- Other Guidance
- Non-AMS Changes

**Summary of Change:** 1. Revised clauses

The following clauses were revised to replace the word "Shall" with "Will/Must" per AGC.

3.1.7-1 Exclusion from Future Agency Contracts

3.1.7-2 Organizational Conflicts of Interest

3.1.7-5 Disclosure of Conflicts of Interest

3.3.1-1 Payments

3.3.1-2 Payments under Fixed-Price Construction Contracts

3.3.1-3 Payments under Fixed-Price Architect-Engineer Contracts

3.3.1-4 Payment under Communication Service Contracts with Common Carriers

3.3.1-5 Payments under Time-and-Materials and Labor-Hour Contracts

3.3.1-5 Alternate I Payments under Time-and-Materials and Labor-Hour Contracts

3.3.1-5 Alternate III Payments under Time-and-Materials and Labor-Hour Contracts

3.3.1-6 Discounts for Prompt Payment

3.3.1-7 Limitation on Withholding of Payments

3.3.1-8 Extras

3.3.1-9 Interest

3.3.1-12 Limitation of Cost

3.3.1-13 Limitation of Cost (Facilities)

3.3.1-14 Limitation of Funds

FAST Version 7/2018

CR 18-40

p. 1

- 3.3.1-15 Assignment of Claims
- 3.3.1-15 Assignment of Claims Alternate I
- 3.3.1-17 Prompt Payment
- 3.3.1-18 Prompt Payment for Fixed-Price Architect-Engineer Contracts
- 3.3.1-19 Prompt Payment for Construction Contracts
  
- 3.3.1-21 Financing Payment Terms for Purchases of Commercial Items
- 3.3.1-22 Installment Payments
- 3.3.1-23 Invitation to Propose Payment Terms
- 3.3.1-24 Fast Payment Procedures
- 3.3.1-27 Invoices for Equipment Delivered
- 3.3.1-28 Notice of Progress Payments
- 3.3.1-31 Progress Payments
- 3.3.1-31 Alternate I Progress Payments
- 3.3.1-31 Alternate II Progress Payments
- 3.3.1-31 Alternate III Progress Payments
- 3.3.1-32 Performance Based Payments
- 3.3.1-33 System for Award Management
- 3.3.1-34 Payment by Electronic Funds Transfer- System for Award Management
- 3.3.1-37 Limitation on Government's Obligation
- 3.3.1-38 Unenforceability of Unauthorized Obligations
- 3.3.1-39 Funding - Time-and-Materials and Labor-Hour Contracts

2. Summary of Changes

The following clauses were revised to replace the word "FAA" with "Government"

- 3.6.2-35 Prevention of Sexual Harassment
- 3.6.3-17 Efficiency in Energy-Consuming Products
- 3.6.3-20 IEEE 1680 Standards for Environmental Assessment of Electronic Products
- 3.6.3-21 Efficiency in Water-Consuming Products and Services
- 3.8.2-11 Continuity of Services

3. Summary of Changes

The following clauses have been revised as indicated below.

- 3.6.2 -39 Trafficking in Persons - Edited to clarify prohibited activities.
- 3.6.3-4 Recycled Content Products Certification - Edited to correct an outdated link.
- 3.10.3-9 Use of Contractor Equipment or Software - Permitted - Edited to reference the FAA Order.

**Reason for Change:** 1. AAP 110 was advised by AGC to replace the word "shall" in the AMS clauses. Responsibilities outlined in AMS Clauses for FAA will be replaced with the word "will". Responsibilities outlined in the AMS Clauses for contractors will be replaced with the word "must".

2. The word FAA was replaced with Government to identify Government-Wide regulations that were not FAA only regulations. The regulations referenced in the clauses are mandated by the Federal Government and FAA was not exempted from the mandate.

3. 3.6.3-4 Recycled Content Products Certification - Clause edited to provide the correct link to the EPA Comprehensive Procurement Guideline (CPG) Program.

3.6.2-39 Trafficking in Persons - The clause revisions are needed in order to further define prohibited activities and possible remedies. The changes have been approved by the AAQ Managers and by the ASAG.

3.10.3-9 Use of Contractor Equipment or Software - Permitted - The clause was revised to update the FAA Order reference from 1280.1B to 1370.121.

**Development, Review, and Concurrence:** AAP 100

**Target Audience:** Contracting Personnel

**Briefing Planned:** No.

**ASAG Responsibilities:** None.

**Section / Text Location:** <https://conwrite.faa.gov/>

**The redline version must be a comparison with the current published FAST version.**

I confirm I used the latest published version to create this change / redline

**or**

This is new content

**Links:** ConWrite/PRISM.

**Attachments:** Redlines and final documents.

**Other Files:** N/A.

**Redline(s):** N/A