

AMS/FAST CHANGE REQUEST (CR) COVERSHEET

Change Request Number: 18-60

Date Received: 10/9/18

Title: AMS Contract Clause Change 94

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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. Summary of Changes:

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

3.6.2-1 Contract Work Hours and Safety Standards Act-Overtime Compensation

3.6.2-4 Walsh-Healey Public Contracts Act

3.6.2-9 Equal Opportunity

3.6.2-12 Equal Opportunity for Veterans

3.6.2-13 Affirmative Action for Workers With Disabilities

3.6.2-14 Employment Reports on Veterans

3.6.2-16 Notice to the Government of Labor Disputes

3.6.2-17 Payment for Overtime Premiums

3.6.2-18 Davis Bacon Act

2. Summary of Changes

The following clause prescriptions 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.

3.2.2.3-4 Samples - Administrative Change

3.2.4-35 Option to Extend the Term of the Contract - Edited as a fill in for the number of days to notify contractor when an option is being exercised.

3.2.3-1 Cost Accounting Standards Notices and Certification - CAS threshold increased.

3.2.3-2 Cost Accounting Standards - CAS threshold increased.

3.2.3-3 Disclosure and Consistency of Cost Accounting Practices - CAS threshold increased.

3.10.3-1 Definitions

3.10.3-2 Government Property - Basic” clause and Alternates I and II - minor edits

3.10.3-3 Government Property Installation Operation Services - minor edits

3.10.3-4 Liability for the Facilities - Removed

3.10.3-5 Use and Charges - Updated and more in line with Federal Acquisition Regulations (FAR)

3.10.3-6 Government Property (Facilities Acquisition) - Removed

3.10.3-7 Government Property - Facilities Use - Removed

3.10.3-8 Use of Contractor Equipment or Software - Not Permitted - moved to the Security clauses and renumbered accordingly.

3.10.3-9 Use of Contractor Equipment or Software - Permitted” - moved to the Security clauses and renumbered accordingly. 3.14-9 Information Security Continuous Monitoring (ISCM) and Forensics on Contractor Systems - New Clause

3.14-10 Privacy Act Notification (moved from 3.7-1)

3.14-11 Privacy Act (moved from 3.7-2)

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" in the clause prescriptions to be consistent with the rest of the clause.

3. 2.4-35 Option to Extend the Term of the Contract - The clause will allow the CO flexibility selecting the days required to notify a contractor that the contract option is being exercised if different from the average 60 days.

3.2.2.3-4 Samples - This is an administrative change. It was deemed appropriate to move the IT language to a new clause alternate applicable only to IT acquisitions.

3.2.3-1 Cost Accounting Standards Notices and Certification, 3.2.3-2 Cost Accounting Standards and 3.2.3-3 Disclosure and Consistency of Cost Accounting Practices - CAS threshold increased from \$700K to \$2M. This was reflected in the July update but additional clauses, guidance and policies were identified that needed to reflect the increase.

3.14-9 Information Security Continuous Monitoring (ISCM) and Forensics on Contractor Systems is a new clause. The intent of this clause is for the FAA to be able to respond to cybersecurity incidents and perform forensics on contractor systems. The FAA will conduct a Risk assessment to determine the criticality of the contractor system and the practicality of placing ISCM equipment or software on the contractor system. It would depend upon the size of the system and the function the system provides to the FAA.

3.14-10 Privacy Act Notification administrative change. The clause (3.7-1) was removed from Protection of Privacy and Freedom of Information. The clause was more appropriate under the Security clauses.

3.14-11 Privacy Act administrative change. (3.7-2) was removed from Protection of Privacy and Freedom of Information. The clause was more appropriate under the Security clauses.

4. The entire section of the Government Property clauses have been updated and deleted where appropriate. This section has not been updated in a few years. Clauses have been revised and are more in line with the Federal Acquisition Regulations (FAR), moved to the appropriate clause sections or deleted as outlined below.

3.10.3-1 Definitions - Revised

3.10.3-2 Government Property - Basic" clause and Alternates I and II - minor edits

3.10.3-3 Government Property Installation Operation Services - minor edits

3.10.3-4 Liability for the Facilities - Removed

3.10.3-5 Use and Charges - Updated

3.10.3-6 Government Property (Facilities Acquisition) - Removed

3.10.3-7 Government Property - Facilities Use - Removed

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Development, Review, and Concurrence:

(Organizations / work group / functional specialists internal and external to your organization that input, reviewed, and concurred with the change.)

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:

Redline and final documents.

Other Files: N/A

Redline(s): N/A