



DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SEP 18 2000

MEMORANDUM FOR DISTRIBUTION

Subj: ADVANCE NAVY ACQUISITION PROCEDURES SUPPLEMENT (NAPS)
NOTICE PERTAINING TO AN INNOVATIVE COMMERCIAL
CONTRACTING STRATEGY

Encl: (1) Advance NAPS Notice

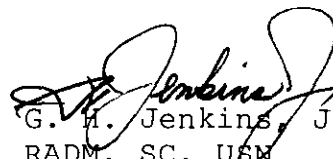
The enclosed Advance NAPS Notice provides guidance on using an innovative strategy to identify and acquire commercial solutions to meet Department of the Navy needs. This strategy uses a blend of the Broad Agency Announcement concept, industry commercial best practices and FAR Part 12 contracting methods.

The strategy was developed as a means of increasing the use of commercial items to meet warfighter needs, in an effort to acquire better products and services faster and at lower cost.

You are encouraged to incorporate this strategy into appropriate acquisitions and to give us feedback on your experience with the strategy. We are interested in hearing about what works well and what does not. We are also interested in hearing about any other approaches you believe will help the Department of the Navy increase its use of commercial items.

Please submit your success stories, lessons learned, concerns, suggested changes, questions, or ideas for other approaches, to Deborah Tronic, by e-mail at tronic.deborah@hq.navy.mil, by telephone at (703) 602-2842, or by fax at (703) 602-2117.

The Advance NAPS Notice consists of interim language for NAPS 5212.90 and Appendix X, which is designed to illustrate the basic concepts in 5212.9000.


G. H. Jenkins, Jr.
RADM, SC, USN
Deputy for Acquisition and
Business Management

Subj: ADVANCE NAVY ACQUISITION PROCEDURES SUPPLEMENT (NAPS)
NOTICE PERTAINING TO AN INNOVATIVE COMMERCIAL CONTRACTING
STRATEGY

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PART 5212

ACQUISITION OF COMMERCIAL ITEMS

SUBPART 5212.90-INNOVATIVE COMMERCIAL CONTRACTING TECHNIQUES

5212.9000 Model Commercial Contracting Strategy

DoN contracting activities may use the strategy outlined here when they are seeking breakthrough commercial solutions for meeting DoN requirements. The strategy generally consists of two phases, as follows:

(a) (1) **Phase I: Commercial Area Announcement (CAA).**

During Phase I the contracting officer issues a Commercial Area Announcement (CAA). The CAA includes a statement that explains what the DoN wants to accomplish or what problem the DoN is trying to solve. The statement may be specific or broad in nature. A relatively specific objective, for example, might be to provide a secure means of controlling vehicle access to a military installation while minimizing traffic backup. A broader objective might be to reduce operating cost associated with legacy ships. As necessary, the statement should include background information that is helpful to a clear understanding of the objectives, and any additional information that may affect potential solutions.

(2) The CAA requests interested firms to respond by outlining, in broad terms, innovative and imaginative ways by which they believe they could meet the DoN objectives. Information concerning the significant business practices that affect their performance and their relationships with customers, as well as a rough estimate of the price associated with each innovative approach, is also requested. The overarching objective of this phase is to provide the DoN with a clear picture of "the state of what is possible" in the commercial marketplace, but not to receive traditional full-blown proposals. The DoN uses the responses to the CAA to make an informed decision concerning the strategy it will pursue to meet its objectives and, if the DoN elects to proceed with a procurement, to structure the solicitation to maximize commercial sector interest and encourage truly innovative and imaginative proposals.

(3) The CAA must state clearly that: 1) It is for informational purposes only. 2) Responses in any form are not offers. 3) Issuance of the CAA does not impose any obligation on

Enclosure (1)

the DoN or signify a firm commitment to issue a solicitation or a contract. 4) There are no funds available to pay for the cost of preparing the responses.

(4) The CAA should encourage responses from all segments of the industry sector, which may include small, HUBZone small, small disadvantaged and woman-owned small businesses, and should encourage responses from firms that may not regularly do business with the Government. In order to attract such firms, the CAA should be published in appropriate trade journals or newspapers, as well as in the CBD. Contracting officers using this strategy are delegated authority to approve the publication of paid advertisements in newspapers (see FAR 5.502). For purposes of the CBD synopsis, enter "R," in Block 1, Action Code, to designate that the type of action addressed by the CAA is "Sources Sought" and enter "COMMERCIAL AREA ANNOUNCEMENT" followed by a brief description of the CAA's subject matter in Block 8, Subject. The following is an example Block 8: "COMMERCIAL AREA ANNOUNCEMENT/ INNOVATIVE IDEAS SOUGHT FOR REDUCING OPERATING COSTS OF NAVY LEGACY SHIPS".

(5) The CAA should be published as early as feasible after a need has been identified and should give interested commercial firms a reasonable period of time to submit responses. In assessing responses to the CAA, DoN activities should consider, to the extent feasible, any responses received after the requested submission date.

(6) DoN activities should consider holding a "Business Opportunity Day," after publication of the CAA and before responses are received, to review the DoN's objectives and to clarify industry questions.

(b) (1) **Phase II: Request for Commercial Offerings.** Using information provided by industry in response to the CAA, the contracting officer and technical personnel develop a solicitation package. To encourage responses from firms that may not regularly do business with the Government, the solicitation is identified as a Request for Commercial Offerings (RCO). The RCO, consistent with applicable law and regulation, should be provided to all commercial entities that responded to the CAA, as well as to any other commercial concerns that request a copy. Electronic distribution of the RCO is encouraged. The RCO is intended to be built around a FAR Part 12 solicitation and a performance-based statement of objectives. Although the statement of objectives should provide maximum flexibility for contractor creativity in tailoring proposals to

satisfy the DoN requirements, it should be written to reflect "what is possible" within the commercial sector, as determined from the responses to the CAA. The RCO should also be written to reflect any customary business practices that the DoN activity became aware of as a result of the CAA. The performance-based statement of objectives must be broadly written to encourage maximum participation and must not disclose any unique approaches that were submitted in response to the CAA or reveal any proprietary aspects of the ideas submitted.

(2) To the extent required by FAR Part 5, a synopsis of the RCO must be published in the CBD. Contracting officers may also publish notice of the RCO in appropriate newspapers and trade journals. Contracting officers using this strategy are delegated authority to approve the publication of paid advertisements in newspapers (see FAR 5.502). In addition, notice of the RCO may also be published on appropriate web sites. DoN contracting activities should make the RCO available to all parties that responded to the CAA, as well as to any additional potential offerors who respond to the synopsis or other published notice. Electronic distribution of the RCO is encouraged.

(3) The RCO should seek firm-fixed-price proposals that address the offerors' breakthrough strategies and detailed approaches for accomplishing the DoN's objectives, including identification of proprietary aspects of the proposal and small business alliances/partnering arrangements. Consistent with law and regulation, solicitations/contracts may include provisions that permit payment of additional predetermined amounts for performance or delivery that is better than that required by the contract if the payments are based on factors other than the contractor's incurred costs.

(4) The contracting officer may use, as appropriate, the streamlined procedure for soliciting offers for commercial items prescribed in FAR 12.603.

(5) Depending on the nature of the requirement or problem that the RCO is intended to address, RCOs may provide for multiple evaluations of proposals over an extended period. This approach is appropriate when the contracting activity anticipates awarding multiple contracts and when there is a reasonable expectation that a passage of time may lead to the identification by commercial entities of additional innovative ways to meet the DoN's requirement. When this multiple evaluation approach is used, the RCO shall indicate the date by

which proposals must be received in order to be considered during the initial evaluation. Proposals received by that date shall be evaluated and initial contract(s) awarded, as appropriate. The RCO shall, also, either indicate the date(s) by which subsequent proposals must be submitted or state that such date(s) shall be established by means of an amendment to the RCO. Offerors who did not submit an offer prior to the initial due date may submit an offer for a subsequent evaluation. Additionally, proposals previously evaluated and not selected should not be reevaluated during a subsequent evaluation, but any offeror who previously submitted a proposal may submit a new proposal, including a proposal that is based on, or similar to, its previously submitted proposal. Proposals received after the exact due date and time for any specified evaluation period shall be handled in accordance with paragraph (f) of the "Instructions to Offerors--Commercial Items" provision at FAR 52.212-1.

(6) The DoN evaluates proposals in accordance with the evaluation scheme set forth in the RCO. Generally, these should provide for a "best value" selection that balances technical and cost aspects of the proposals. Evaluation factors may include such items as: (i) the extent to which the proposed technical approach is likely to achieve or exceed the DoN's objectives, (ii) the extent of small business participation, (iii) the offeror's experience and past performance and (iv) the price.

APPENDIX X

This Appendix supplements 5212.9000. It contains documents designed solely to illustrate the basic concepts of using a Commercial Area Announcement and a Request for Commercial Offerings to acquire commercial items. It is not intended to be a perfect example of a Part 12 procurement, nor is it intended to be prescriptive in nature.

Included in the Appendix are:

- a sample Commercial Area Announcement for publication in trade journals or newspapers,
- the text that would appear on the internet site referred to in the trade journal or newspaper Commercial Area Announcement,
- a document summarizing information that might have been received from industry in response to the sample Commercial Area Announcement and the tailoring of the Statement of Objectives for the Request for Commercial Offerings that might have resulted from the information received,
- the Request for Commercial Offerings that might have been issued

COMMERCIAL AREA ANNOUNCEMENT FOR TRADE JOURNALS AND NEWSPAPERS

The Department of the Navy (DoN) is seeking breakthrough ideas on how to control personnel access to the ABC Naval Base while avoiding traffic congestion. For details, see commercial area announcement (CAA) 123 at www.abcbase.navy.mil, or contact Ms. Jennifer Jones on (321) 666-4679, or by e-mail at jones.jennifer@abcnavybase.navy.mil.

This CAA is published for informational purposes only. Responses in any form are not offers and the Government is under no obligation to award any contract as a result of this CAA. No funds are available to pay for preparing responses to this CAA.

COMMERCIAL AREA ANNOUNCEMENT
TEXT FOR INTERNET SITE

OVERVIEW AND OBJECTIVE

By means of this Commercial Area Announcement (CAA) 123, the Department of the Navy is seeking innovative ideas from industry with respect to how it can control personnel access to the ABC Naval Base while avoiding traffic congestion. Limiting access is essential for security purposes and, at present, guards check identification cards of all individuals entering the base, whether they walk on or enter as drivers/passengers in cars, trucks, or buses. Although the current method works, it causes significant traffic congestion during prime commuting times. What the Navy is seeking is a commercial solution that will allow access through the base's North Gate to be limited to only authorized personnel of the Naval XYZ Command without causing vehicle traffic to back up significantly. It is desired that access through the North Gate be available 24 hours a day, seven days a week. The heaviest traffic will be on weekdays, between the hours of 6:00 and 8:30 AM, when it is estimated that 1,500 vehicles will enter the base through the North Gate. Vehicles may have multiple passengers.

The Department of the Navy will use the responses to this Commercial Area Announcement (CAA) to formulate a picture of "the state of what is possible" in the commercial marketplace and to determine whether the Navy should solicit formal proposals to meet its objectives. If the Navy elects to issue a solicitation it intends, consistent with applicable law and regulation, to solicit using a Request for Commercial Offerings that will be provided to all commercial entities that respond to this CAA, as well as to any other commercial concerns that request a copy.

This CAA is published for informational purposes only. Responses in any form are not offers. Issuance of this CAA should not be construed as obligating the Department of the Navy, in any way, to issue a solicitation or to award a contract in furtherance of the objectives discussed herein. No funds are available to pay for preparing responses to this CAA.

RESPONSES TO THIS CAA

Responses to this CAA should consist of a discussion, in broad terms, of 1) the commercially available approach(es) which could be used or adapted to meet the Navy's requirement; 2) a rough estimate of the price of each approach; 3) a discussion of any customary business practices that might affect the firm's fulfillment of the requirement or its relationship with the Navy customer; 4) a discussion of any potential participation by small, HUBZone small, small disadvantaged, or woman-owned small business concerns; and 5) a statement as to whether the firm responding to the CAA is a small business for the standard industrial classification code that pertains to the approach(es) being discussed. There is no prescribed format for the response to the CAA. Oral presentations may be given in lieu of, or in combination with, a written response. Arrangements for oral presentations may be made by contacting Ms. Jennifer Jones by telephone on (321) 666-4679, or by e-mail at jones.jennifer@abcnavybase.navy.mil. Responses should refer to CAA Number 123.

Firms may submit more than one approach for fulfilling the requirement.

It is requested that any written responses be submitted in time to be received by 5:00 Eastern Standard Time on November 30, 2000.

Electronic responses are encouraged and may be submitted by clicking here:

<https://www.abcbase.navy.mil/CAA123response>

Hard copies should be addressed to:

Contracts Division
Naval XYZ Command
Room 237
Building 6
ABC Naval Base ST 54321

Responses received after this date may or may not be considered in determining whether to issue a Request for Commercial Offerings and what the nature of the Request for Commercial Offerings will be.

Small, HUBZone small, small disadvantaged, and woman-owned small business concerns are encouraged to submit responses to this CAA.

BUSINESS OPPORTUNITIES DAY

A Business Opportunities Day will be held on October 19, 2000, from 9:00 AM to 12:00 PM, in Room 134 of Building 6 on the ABC Naval Base. The purpose of the Business Opportunities Day is to clarify the Navy's objectives and answer any administrative questions. Directions are available at www.abcbase.navy.mil/caa123/direct, or by contacting Ms. Jennifer Jones by telephone on (321) 666-4679, or by e-mail at jones.jennifer@abcnavybase.navy.mil.

RESPONSES TO CAA

Commercial firms that responded to the CAA indicated there are highly reliable automated systems currently available, or about to be released, that use imbedded sensor technology. All respondents could provide systems that "read" something attached to the vehicle or carried by the driver. All systems would allow 1,500 vehicles, moving at least ten miles an hour, to pass through the gate during a two and a half-hour period. None of the firms responding was able to identify an approach that would allow verification that all vehicle occupants are Naval XYZ Command employees without significantly slowing down traffic. However, most firms indicated they could provide systems that could both recognize whether vehicles were authorized to enter the base and also sense the presence of very minute traces of explosive materials.

Based on input from the CAA, the requirement for verifying that each individual is a Naval XYZ Command employee was reexamined. Security personnel determined that during THREATCON NORMAL conditions individual verification would not be necessary if the system could reliably prevent explosives from entering the base. In such case, verifying that the vehicle itself was authorized access would be sufficient since access to each of the buildings on the base is controlled. During periods of higher threat conditions, a guard could be posted to do more comprehensive checks of persons entering through the gate.

The input from the CAA was used to further refine the Statement of Objectives. The requirement to verify that each individual entering through the North Gate is a Naval XYZ Command employee was eliminated. A requirement to provide a means of ensuring that explosive materials are not carried onto the base through the North Gate was added. Performance parameters for reliability and minimizing traffic back up were also added based on what all companies responding said is possible. Responses received resulted in a decision not to set the procurement aside for small business.

SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS
OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24, & 30

1. REQUISITION NUMBER		PAGE 1 OF	
2. CONTRACT NO.	3. AWARD/EFFECTIVE DATE	4. ORDER NUMBER	5. SOLICITATION NUMBER N12345-00-R-1234
7. FOR SOLICITATION INFORMATION CALL: Jennifer Jones		6. SOLICITATION ISSUE DATE 12/19/2000	
9. ISSUED BY Naval XYZ Command Room 237, Bldg 6 ABC Naval Base ST 54321		8. OFFER DUE DATE/ LOCAL TIME 1/19/2001-5:00PM	
15. DELIVER TO See Continuation Sheet		12. DISCOUNT TERMS	
17a. CONTRACTOR/OFFEROR		10. THIS ACQUISITION IS <input checked="" type="checkbox"/> UNRESTRICTED <input type="checkbox"/> SET ASIDE: % FOR <input type="checkbox"/> SMALL BUSINESS <input type="checkbox"/> SMALL DISAV. BUSINESS <input type="checkbox"/> 8(A) SIC: SIZE STANDARD:	
17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER		11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED <input type="checkbox"/> SEE SCHEDULE 13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700) 13b. RATING 14. METHOD OF SOLICITATION <input type="checkbox"/> RFQ <input type="checkbox"/> IFB <input checked="" type="checkbox"/> RFP	
18a. PAYMENT WILL BE MADE BY DFAS-Charleston Code FP, P.O. Box 71489 North Charleston, SC 29415-1489		16. ADMINISTERED BY Public Works Center ABC Naval Base, State 54321	
19. ITEM NO.		20. SCHEDULE OF SUPPLIES/SERVICES	
21. QUANTITY		22. UNIT	
23. UNIT PRICE		24. AMOUNT	
0001	Gate Access Control System (GACS)*	1	Ea.
0002	Operation & Maintenance of GACS* *IAW attached Statement of Objectives <i>(Attach Additional Sheets as Necessary)</i>	12	Mo.
25. ACCOUNTING AND APPROPRIATION DATA		26. TOTAL AWARD AMOUNT (For Govt. Use Only)	
27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4, FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA		27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4, FAR 52.212-5 IS ATTACHED. ADDENDA	
28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN <u>2</u> COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN.		29. AWARD OF CONTRACT: REFERENCE _____ OFFER <input type="checkbox"/> DATED _____ YOUR OFFER ON SOLICITATION (BLOCK 5) INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:	
30a. SIGNATURE OF OFFEROR/CONTRACTOR		31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)	
30b. NAME AND TITLE OF SIGNER (Type or print)		31b. NAME OF CONTRACTING OFFICER (Type or print)	
30c. DATE SIGNED		31c. DATE SIGNED	
32a. QUANTITY IN COLUMN 21 HAS BEEN <input type="checkbox"/> RECEIVED <input type="checkbox"/> INSPECTED <input type="checkbox"/> ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS NOTED		33. SHIP NUMBER <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	
32b. SIGNATURE OF AUTHORIZED GOVT. REPRESENTATIVE		34. VOUCHER NUMBER	
32c. DATE		35. AMOUNT VERIFIED CORRECT FOR	
41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT		36. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		37. CHECK NUMBER	
41c. DATE		38. S/R ACCOUNT NUMBER	
42a. RECEIVED BY (Print)		39. S/R VOUCHER NUMBER	
42b. RECEIVED AT (Location)		40. PAID BY	
42c. DATE REC'D (YY/MM/DD)		42d. TOTAL CONTAINERS	

REQUEST FOR COMMERCIAL OFFERINGS

PURPOSE: This Request for Commercial Offerings solicits breakthrough proposals for meeting the Naval XYZ Command's requirements as set forth in the below Statement of Objectives.

PROPOSAL CONTENT: Requirements with respect to proposal content are set forth in Addendum (A).

APPLICABLE PROVISIONS AND CLAUSES: Provisions that apply to this Request for Commercial Offerings and clauses/terms and conditions that will be included in any resulting contract are set forth in Addendum (B).

PROPOSAL EVALUATION: Information on how proposals will be evaluated, including the evaluation factors that will be used in making a source selection decision, are set forth in Addendum (C).

STATEMENT OF OBJECTIVES

The Contractor shall provide, install, operate and maintain an automated system that securely controls vehicle access to the ABC Naval Base through the North Gate. The system should allow authorized access 24 hours a day, seven days a week. It should allow 1,500 vehicles to pass through the gate during a two and a half hour period. No vehicle should have to slow down to less than ten miles an hour. The system should be capable of stopping any unauthorized vehicles or any vehicles that contain explosive materials from entering the base.

ADDENDUM A

INSTRUCTIONS TO OFFERORS

Offers must be submitted in accordance with Federal Acquisition Regulation (FAR) Provision 52.212-1 Instructions to Offerors -- Commercial Items which is incorporated by reference. The text is available at "<http://www.arnet.gov/far/loadmain52.html>". The following information supplements the clause:

The technical description of the system should explain how the objectives will be met. At a minimum, it should discuss:

1. How the system will ensure uninterrupted use of the gate;
2. The method used to identify those vehicles that are authorized access;
3. The types and amounts of explosive materials the system will be able to detect;
4. The rate at which vehicles will be able to pass through the gate;
5. The method used to stop vehicles that are not authorized to enter or which contain explosive materials; and
6. How information that identifies which vehicles are authorized to use the gate, including changes, will be obtained from the Government and how quickly that information will be operational.

The offeror should also address any proprietary aspects of the proposal and the extent of small, HUBZone small, small disadvantaged, or woman-owned small business participation. The offeror must provide the information required by FAR 52.219-24 Small Disadvantaged Business Participation Program - Targets (Jan 1999), which is incorporated by reference. The text of FAR 52.219-24 is available at "<http://www.arnet.gov/far/loadmain52.html>". Any small disadvantaged business participation targets that are a part of this offer will be incorporated into any resulting contract.

Past Performance is an evaluation factor. Offerors must provide past performance information that includes recent and relevant contracts for the same or similar items and other references (including contract numbers, points of contact with telephone numbers and other relevant information).

Offers must be firm fixed price.

Block 8 of the SF 1449 contains the offer due date and time. Electronic offers are encouraged and may be submitted using the following URL: <https://www.abcbase.navy.mil>. Block 9 of the SF 1449 contains the address to which hard copies of offers must be submitted.

Information on the site where the system will operate may be obtained by contacting Ms. Jennifer Jones by telephone on (321) 666-4679, or by e-mail at jones.jennifer@abcnavybase.navy.mil

ADDENDUM (B)

I. PROVISIONS

The following Federal Acquisition Regulation (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS) provisions apply to this Request for Commercial Offerings. Offerors must complete the representations and certifications set forth in FAR 52.212-3 and DFARS 52.212-7000

FAR 52.212-1 Instructions to Offerors--Commercial Items (Mar 2000)

Incorporated by reference - Text is available on the Internet at <http://www.arnet.gov/far/loadmain52.html>. IMPORTANT NOTE: See Addendum A for supplemental information.

DFARS 252.204-7004 Required Central Contractor Registration (Mar 2000)

(a) *Definitions.* As used in this clause—

(1) "Central Contractor Registration (CCR) database" means the primary DoD repository for contractor information required for the conduct of business with DoD.

(2) "Data Universal Number System (DUNS) number" means the 9-digit number assigned by Dun and Bradstreet Information Services to identify unique business entities.

(3) "Data Universal Numbering System +4 (DUNS+4) number" means the DUNS number assigned by Dun and Bradstreet plus a 4-digit suffix that may be assigned by a parent (controlling) business concern. This 4-digit suffix may be assigned at the discretion of the parent business concern for such purposes as identifying subunits or affiliates of the parent business concern.

(4) "Registered in the CCR database" means that all mandatory information, including the DUNS number or the DUNS+4 number, if applicable, and the corresponding Commercial and Government Entity (CAGE) code, is in the CCR database; the DUNS number and the CAGE code have been validated; and all edits have been successfully completed.

(b) (1) By submission of an offer, the offeror acknowledges the requirement that a prospective awardee must be registered in the CCR database prior to award, during performance, and through final payment of any contract resulting from this solicitation, except for awards to foreign vendors for work to be performed outside the United States.

(2) The offeror shall provide its DUNS or, if applicable, its DUNS+4 number with its offer, which will be used by the Contracting Officer to verify that the offeror is registered in the CCR database.

(3) Lack of registration in the CCR database will make an offeror ineligible for award.

(4) DoD has established a goal of registering an applicant in the CCR database within 48 hours after receipt of a complete and accurate application via the Internet. However, registration of an applicant submitting an application through a method other than the Internet may take up to 30 days. Therefore, offerors that are not registered should consider applying for registration immediately upon receipt of this solicitation.

(c) The Contractor is responsible for the accuracy and completeness of the data within the CCR, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to confirm on an annual basis that its information in the CCR database is accurate and complete.

(d) Offerors and contractors may obtain information on registration and annual confirmation requirements by calling 1-888-227-2423, or via the Internet at <http://www.ccr2000.com>.

(End of clause)

**FAR 52.212-3 Offeror Representations and Certifications--
Commercial Items (Feb 2000)**

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

"Emerging small business" means a small business concern whose size is no greater than 50 percent of the numerical size standard for the standard industrial classification code designated.

"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.

"Women-owned small business concern" means a small business concern--

- (1) 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 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 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 its stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(b) *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 a central contractor registration database to be eligible for award.)

(1) All offerors must submit the information required in paragraphs (b)(3) through (b)(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);
- * 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 _____.

(c) Offerors must complete the following representations when the resulting contract is to be performed inside the United States, its territories or possessions, Puerto Rico, the Trust Territory of the Pacific Islands, or the District of Columbia. 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) *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, for general statistical purposes, that it * is, * is not a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) *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)(4) and (c)(5) only if this solicitation is expected to exceed the simplified acquisition threshold.

(4) *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.

(5) *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:

(6) Small Business Size for the Small Business Competitiveness Demonstration Program and for the Targeted Industry Categories under the Small Business Competitiveness Demonstration Program. [Complete only if the offeror has represented itself to be a small business concern under the size standards for this solicitation.]

(i) [Complete only for solicitations indicated in an addendum as being set-aside for emerging small businesses in one of the four designated industry groups (DIGs).] The offeror represents as part of its offer that it * is, * is not an emerging small business.

(ii) [Complete only for solicitations indicated in an addendum as being for one of the targeted industry categories (TICs) or four designated industry groups (DIGs).] Offeror represents as follows:

(A) Offeror's number of employees for the past 12 months (check the Employees column if size standard stated in the solicitation is expressed in terms of number of employees); or

(B) Offeror's average annual gross revenue for the last 3 fiscal years (check the Average Annual Gross Number of Revenues column if size standard stated in the solicitation is expressed in terms of annual receipts).

(Check one of the following):

Average Annual Gross Revenues

Number of Employees

___ 50 or fewer	___ \$1 million or less
___ 51--100	___ \$1,000,001--\$2 million
___ 101--250	___ \$2,000,001--\$3.5 million
___ 251--500	___ \$3,500,001--\$5 million
___ 501--750	___ \$5,000,001--\$10 million
___ 751--1,000	___ \$10,000,001--\$17 million
___ Over 1,000	___ Over \$17 million

(7) *[Complete only if the solicitation contains the clause at FAR 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns, or FAR 52.219-25, Small Disadvantaged Business Participation Program--Disadvantaged Status and Reporting, and the offeror desires a benefit based on its disadvantaged status.]*

(i) *General.* The offeror represents that either--

(A) It * is, * is not certified by the Small Business Administration as a small disadvantaged business concern and identified, on the date of this representation, as a certified small disadvantaged business concern in the database maintained by the Small Business Administration (PRO-Net), and that no material change in disadvantaged ownership and control has occurred since its certification, and, where the concern is owned by one or more individuals claiming disadvantaged status, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); or

(B) It * has, * has not submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

(ii) * *Joint Ventures under the Price Evaluation Adjustment for Small Disadvantaged Business Concerns.* The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements in 13 CFR 124.1002(f) and that the representation in paragraph (c)(7)(i) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. *[The offeror shall enter the*

name of the small disadvantaged business concern that is participating in the joint venture:_____.]

(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 \$100,000.) 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.

(f) *Buy American Act--Balance of Payments Program Certificate.*

(Applies only if the clause at Federal Acquisition Regulation (FAR) 52.225-1, Buy American Act--Balance of Payments Program--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 as defined in the clause of this solicitation entitled "Buy American Act--Balance of Payments Program--Supplies" and that 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.

(2) Foreign End Products:

Line Item No Country of Origin

[List as necessary]

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

(g) (1) *Buy American Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program Certificate.*

(Applies only if the clause at FAR 52.225-3, Buy American Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program, 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 as defined in the clause of this solicitation entitled "Buy American Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program" and that the offeror has considered components of unknown origin to have been mined, produced, or manufactured outside the United States.

(ii) The offeror certifies that the following supplies are NAFTA country end products or Israeli end products as defined in the clause of this solicitation entitled "Buy American Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program":

NAFTA Country 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) of this provision) as defined in the clause of this solicitation entitled "Buy American Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program." 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.

Other Foreign End Products:

Line Item No Country of Origin

[List as necessary]

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

(2) *Buy American Act--North American Free Trade Agreements--Israeli Trade Act--Balance of Payments Program Certificate, Alternate I (Feb 2000)*. 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 Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program":

Canadian End Products:

Line Item No.

(List as necessary)

(3) *Buy American Act--North American Free Trade Agreements--Israeli Trade Act--Balance of Payments Program Certificate, Alternate II (Feb 2000)*. 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 Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program":

Canadian or Israeli End Products:

Line Item No Country of Origin

[List as necessary]

(4) *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)(4)(ii) of this provision, is a U.S.-made, designated country, Caribbean Basin country, or NAFTA 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, designated country, Caribbean Basin country, or NAFTA country end products.

Other End Products:

Line Item No Country of Origin

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 subject to the Trade Agreements Act, the Government will evaluate offers of U.S.-made, designated country, Caribbean Basin country, or NAFTA country end products without regard to the restrictions of the Buy American Act or the Balance of Payments Program. The Government will consider for award only offers of U.S.-made, designated country, Caribbean Basin country, or NAFTA 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 Debarment, Suspension or Ineligibility for Award (Executive Order 12549)*. The offeror certifies, to the best of its knowledge and belief, that--

(1) The offeror and/or any of its principals * are, * are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency; and

(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, or receiving stolen property; and * are, * are not presently indicted for, or otherwise criminally or civilly charged by a Government entity with, commission of any of these offenses.

(End of provision)

Alternate I (Oct 1998). As prescribed in 12.301(b)(2), add the following paragraph (c)(8) to the basic provision:

(8) (Complete if the offeror has represented itself as disadvantaged in paragraph (c)(2) or (c)(7) of this provision.) [The offeror shall check the category in which its ownership falls]:

_____ Black American.

_____ Hispanic American.

_____ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

_____ Asian-Pacific American (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

_____ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

_____ Individual/concern, other than one of the preceding.

Alternate II (Oct 1998). As prescribed in 12.301(b)(2), add the following paragraph (c)(7)(iii) to the basic provision:

(iii) *Address*. The offeror represents that its address * is, * is not in a region for which a small disadvantaged business procurement mechanism is authorized and its address has not changed since its certification as a small disadvantaged business concern or submission of its application for certification. The list of authorized small disadvantaged business procurement mechanisms and regions is posted at <http://www.arnet.gov/References/sdbadjustments.htm>. The offeror shall use the list in effect on the date of this solicitation.

"Address," as used in this provision, means the address of the offeror as listed on the Small Business Administration's register of small disadvantaged business concerns or the address on the completed application that the concern has submitted to the Small Business Administration or a Private Certifier in accordance with 13 CFR part 124, subpart B. For joint ventures, "address" refers to the address of the small disadvantaged business concern that is participating in the joint venture. *Alternate III (Jan 1999)*. As prescribed in 12.301(b)(2), add the following paragraph (c)(9) to the basic provision:

(9) *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 change in ownership and control, principal place of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with 13 CFR part 126; and

(ii) It * is, * is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (c)(9)(i) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:

_____.] Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

**DFARS 252.212-7000 Offeror Representations and Certifications--
Commercial Items (Nov 1995)**

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

(1) "Foreign person" means any person other than a United States person as defined in Section 16(2) of the Export Administration Act of 1979 (50 U.S.C. App. Sec. 2415).

(2) "United States person" is defined in Section 16(2) of the Export Administration Act of 1979 and means any

United States resident or national (other than an individual resident outside the United States and employed by other than a United States person), any domestic concern (including any permanent domestic establishment of any foreign concern), and any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern which is controlled in fact by such domestic concern, as determined under regulations of the President.

(b) *Certification.* By submitting this offer, the Offeror, if a foreign person, company or entity, certifies that it-

(1) Does not comply with the Secondary Arab Boycott of Israel; and

(2) Is not taking or knowingly agreeing to take any action, with respect to the Secondary Boycott of Israel by Arab countries, which 50 U.S.C. App. Sec. 2407(a) prohibits a United States person from taking.

(c) *Representation of Extent of Transportation by Sea.*

(This representation does not apply to solicitations for the direct purchase of ocean transportation services).

(1) The Offeror shall indicate by checking the appropriate blank in paragraph (c) (2) of this provision whether transportation of supplies by sea is anticipated under the resultant contract. The term "supplies" is defined in the Transportation of Supplies by Sea clause of this solicitation.

(2) Representation. The Offeror represents that it-
_____ Does anticipate that supplies will be transported by sea in the performance of any contract or subcontract resulting from this solicitation.

_____ Does not anticipate that supplies will be transported by sea in the performance of any contract or subcontract resulting from this solicitation.

(3) Any contract resulting from this solicitation will include the Transportation of Supplies by Sea clause. If the Offeror represents that it will not use ocean transportation, the resulting contract will also include the Defense Federal Acquisition Regulation Supplement clause at 252.247-7024, Notification of Transportation of Supplies by Sea.

(End of provision)

252.225-7006 Buy American Act--Trade Agreements--Balance of Payments Program Certificate (Mar 1998)

(a) *Definitions.* "Caribbean Basin country end product," "designated country end product," "domestic end product," "NAFTA country end product," "nondesignated country end product," "qualifying country end product," and "U.S. made end product" have the meanings given in the Buy American Act--Trade Agreements--Balance of Payments Program clause of this solicitation.

(b) *Evaluation.* Offers will be evaluated in accordance with the policies and procedures of Part 225 of the Defense Federal Acquisition Regulation Supplement. Offers of foreign end products that are not U.S. made, qualifying country, designated country, Caribbean Basin country, or NAFTA country end products will not be considered for award, unless the Contracting Officer determines that there are no offers of such end products; or the offers of such end products are insufficient to fulfill the requirements; or a national interest exception to the Trade Agreements Act is granted.

(c) *Certifications.*

(1) The Offeror certifies that-

(i) Each end product, except the end products listed in paragraph (c) (2) of this provision, is a domestic end product; and

(ii) Components of unknown origin are considered to have been mined, produced, or manufactured outside the United States or a qualifying country.

(2) The Offeror must identify all end products that are not domestic end products.

(i) The Offeror certifies that the following supplies qualify as "U.S. made end products" but do not meet the definition of "domestic end product":

(insert line item
number)

(ii) The Offeror certifies that the following supplies are qualifying country end products:

(insert line item (insert country of

number)

origin)

(iii) The Offeror certifies that the following supplies qualify as designated country end products:

(insert line item
number)

(insert country of
origin)

(iv) The Offeror certifies that the following supplies qualify as Caribbean Basin country end products:

(insert line item
number)

(insert country of
origin)

(v) The Offeror certifies that the following supplies qualify as NAFTA country end products:

(insert line item
number)

(insert country of
origin)

(vi) The following supplies are other nondesignated country end products.

(insert line item
number)

(insert country of
origin)

(End of provision)

II. CLAUSES

The following Federal Acquisition Regulation (FAR) and Defense Federal Acquisition Regulation Supplement (DFARS) clauses will apply to any contract that results from this Request for Commercial Offerings.

FAR 52.212-4 Contract Terms and Conditions--Commercial Items (May 1999)

Incorporated by reference - Text is available on the Internet at <http://www.arnet.gov/far/loadmain52.html>. The following information supplements the clause:

DELIVERIES OR PERFORMANCE

The system must be installed and fully operational by February 1, 2002. The period of performance for system operation and maintenance is twelve months from the date that the system is accepted.

INSPECTION AND ACCEPTANCE

The Public Works Center, ABC Naval Base is responsible for inspection and acceptance. Inspection and acceptance will be at destination.

PAYMENT SCHEDULE

Invoices for operation and maintenance of the system may be submitted monthly during the twelve month period of performance. The amount of the monthly invoice will be one twelfth of the total price for operation and maintenance.

FAR 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders-- Commercial Items (Feb 2000)

(a) The Contractor agrees to comply with the following 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) 52.222-3, Convict Labor (E.O. 11755).
- (2) 52.225-13, Restrictions on Certain Foreign Purchases (E.O.'s 12722, 12724, 13059, and 13067).
- (3) 52.233-3, Protest after Award (31 U.S.C. 3553).

(b) The Contractor agrees to comply with the FAR clauses in this paragraph (b) which 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 or components:

[Contracting Officer shall check as appropriate.]

- X (1) 52.203-6, Restrictions on Subcontractor Sales to the Government, with Alternate I (41 U.S.C. 253g and 10 U.S.C. 2402).
- ___ (2) 52.219-3, Notice of Total HUBZone Small Business Set-Aside (Jan 1999).
- X (3) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 1999) (if the offeror elects to waive the preference, it shall so indicate in its offer).
- ___ (4) (i) 52.219-5, Very Small Business Set-Aside (Pub. L. 103-403, section 304, Small Business Reauthorization and Amendments Act of 1994).
- ___ (ii) Alternate I to 52.219-5.
- ___ (iii) Alternate II to 52.219-5.
- X (5) 52.219-8, Utilization of Small Business Concerns (15 U.S.C. 637 (d) (2) and (3)).
- X (6) 52.219-9, Small Business Subcontracting Plan (15 U.S.C. 637(d) (4)).
- ___ (7) 52.219-14, Limitations on Subcontracting (15 U.S.C. 637(a) (14)).
- ___ (8) (i) 52.219-23, Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer).
- ___ (ii) ___ Alternate I of 52.219-23.
- X (9) 52.219-25, Small Disadvantaged Business Participation Program--Disadvantaged Status and Reporting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- ___ (10) 52.219-26, Small Disadvantaged Business Participation Program--Incentive Subcontracting (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- X (11) 52.222-21, Prohibition of Segregated Facilities (Feb 1999)
- X (12) 52.222-26, Equal Opportunity (E.O. 11246).
- X (13) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).
- X (14) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793).
- X (15) 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212).

- ___ (16) 52.225-1, Buy American Act--Balance of Payments Program--Supplies (41 U.S.C. 10a - 10d).
- ___ (17) (i) 52.225-3, Buy American Act--North American Free Trade Agreement--Israeli Trade Act--Balance of Payments Program (41 U.S.C. 10a - 10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note).
- ___ (ii) Alternate I of 52.225-3.
- ___ (iii) Alternate II of 52.225-3.
- ___ (18) 52.225-5, Trade Agreements (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).
- ___ (19) 52.225-15, Sanctioned European Union Country End Products (E.O. 12849).
- ___ (20) 52.225-16, Sanctioned European Union Country Services (E.O. 12849).
- ___ (21) [Reserved]
- X (22) 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration (31 U.S.C. 3332).
- ___ (23) 52.232-34, Payment by Electronic Funds Transfer--Other than Central Contractor Registration (31 U.S.C. 3332).
- ___ (24) 52.232-36, Payment by Third Party (31 U.S.C. 3332).
- ___ (25) 52.239-1, Privacy or Security Safeguards (5 U.S.C. 552a).
- ___ (26) 52.247-64, Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241).
- (c) The Contractor agrees to comply with the FAR clauses in this paragraph (c), applicable to commercial services, which 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 or components:
- [Contracting Officer check as appropriate.]
- ___ (1) 52.222-41, Service Contract Act of 1965, As Amended (41 U.S.C. 351, et seq.).
- ___ (2) 52.222-42, Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).
- ___ (3) 52.222-43, Fair Labor Standards Act and Service Contract Act--Price Adjustment (Multiple Year and Option Contracts) (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 (29 U.S.C. 206 and 41 U.S.C. 351, et seq.).

____ (5) 52.222-47, SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (CBA) (41 U.S.C. 351, et seq.).

____ (6) 52.222-50, Nondisplacement of Qualified Workers (Executive Order 12933).

(d) *Comptroller General Examination of Record.* The Contractor agrees to 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) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c) or (d) of this clause, the Contractor is not required to include any FAR clause, other than those listed below (and as may be required by an addenda to this paragraph to establish the reasonableness of prices under Part

15), in a subcontract for commercial items or commercial components--

- (1) 52.222-26, Equal Opportunity (E.O. 11246);
- (2) 52.222-35, Affirmative Action for Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4212);
- (3) 52.222-36, Affirmative Action for Workers with Disabilities (29 U.S.C. 793); and
- (4) 52.247-64, Preference for Privately-Owned U.S. Flag Commercial Vessels (46 U.S.C. 1241) (flow down not required for subcontracts awarded beginning May 1, 1996).

(End of clause)

DFARS 252.212-7001 Contract Terms and Conditions Required to Implement Statutes or Executive Orders Applicable to Defense Acquisition of Commercial Items (MAR 2000)

(a) The contractor agrees to comply with the Defense Federal Acquisition Regulation Supplement (DFARS) clause 252.247-7023, Transportation of Supplies by Sea, which is included in this contract by reference to implement 10 U.S.C. 2631.

(b) The contractor agrees to comply with any clause that is checked on the following list of DFARS clauses which, if checked, is included in this contract by reference to implement provisions of law or Executive Orders

applicable to acquisitions of commercial items or components.

252.205-7000 Provision of Information to Cooperative Agreement Holders (10 U.S.C. 2416).

252.206-7000 Domestic Source Restriction (10 U.S.C. 2304).

252.219-7003 Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DoD Contracts) (15 U.S.C. 637).

252.225-7001 Buy American Act and Balance of Payments Program (41 U.S.C. 10a-10d, E.O. 10582).

252.225-7007 Buy American Act--Trade Agreements--Balance of Payments Program (41 U.S.C. 10a-10d, 19 U.S.C. 2501-2518, and 19 U.S.C. 3301 note).

252.225-7012 Preference for Certain Domestic Commodities.

252.225-7014 Preference for Domestic Specialty Metals (10 U.S.C. 2241 note).

252.225-7015 Preference for Domestic Hand or Measuring Tools (10 U.S.C. 2241 note).

252.225-7021 Trade Agreements (19 U.S.C. 2501-2518 and 19 U.S.C. 3301 note).

 252.225-7027 Restriction on Contingent Fees for Foreign Military Sales (22 U.S.C. 2779)

 252.225-7028 Exclusionary Policies and Practices of Foreign Governments (22 U.S.C. 2755).

 252.225-7029 Preference for United States or Canadian Air Circuit Breakers (10 U.S.C. 2534(a)(3)).

 252.225-7036 Buy American Act--North American Free Trade Agreement Implementation Act--Balance of Payments Program (Alternate I) (41 U.S.C. 10a-10d and 19 U.S.C. 3301 note).

 X 252.227-7015 Technical Data--Commercial Items (10 U.S.C. 2320).

 X 252.227-7037 Validation of Restrictive Markings on Technical Data (10 U.S.C. 2321).

 X 252.243-7002 Requests for Equitable Adjustment (10 U.S.C. 2410).

 X 252.247-7023 Transportation of Supplies by Sea (Alternate I) (Alternate II) (10 U.S.C. 2631).

 252.247-7024 Notification of Transportation of Supplies by Sea (10 U.S.C. 2631).

(b) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items clause of this contract (Federal Acquisition Regulation 52.212-5), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

(1) 252.225-7014 Preference for Domestic Specialty Metals, Alternate I (10 U.S.C. 2241 note).

(2) 252.247-7023 Transportation of Supplies by Sea (10 U.S.C. 2631).

(3) 252.247-7024 Notification of Transportation of Supplies by Sea (10 U.S.C. 2631).

(End of clause)

ADDENDUM C

EVALUATION

52.212-2 Evaluation--Commercial Items (Jan 1999)

(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, which are listed in descending order of importance, shall be used to evaluate offers:

- 1) The extent to which the proposed technical approach is likely to achieve or exceed the performance criteria in the statement of objectives.
- 2) The price.
- 3) The extent of small, HUBZone small, small disadvantaged business or woman-owned small business participation.
- 4) The offeror's past performance.

(b) Technical approach, the extent of small, HUBZone small, small disadvantaged business or woman-owned small business participation, and past performance, when combined, are significantly more important than price.

(c) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.