

# Embassy of the United States of America Lima, Peru

January 29, 2018

Dear Prospective Quoter:

Subject: RFQ 19PE5018Q0031

Educational high school training for 100 local adolescents

The US Embassy Lima, Peru, has a requirement for 12 months Educational training for one hundred (100) local adolescents (male and female) to improve their knowledge in high school studies. You are invited to submit a quotation. The Request for Quotations (RFQ) consists of the following sections:

- 1. Standard Form SF-18 (you have to fill blocks 13, 14, 15, 16\ 16b, 16c
- 2. Basic information, specifications and technical qualifications.
- 3. Instructions (Quotation rules and evaluation method)

The Embassy plans to award a purchase order. You are encouraged to make your quotation competitive. You are also cautioned against any collusion with other potential offerors with regard to price quotations to be submitted. The RFQ does not commit the American Embassy to make any award. The Embassy may cancel this RFQ or any part of it.

As per US Government regulations, in order to participate in this RFQ it is required that the offerors are duly registered at SAM (System of Award Management). If you are not registered and you want to participate of this RFQ, you must initiate this process.

Please read the RFQ carefully, and if you are interested, submit your quotation. Return the completed SF-18 to the address shown in Block Sa of the SF-18 by February 13, 2018 at 10:00 am. Oral quotations will not be accepted.

Please contact Ms. Maria Eugenia del Solar at <u>delsolarme@state.gov</u> no later than February 8, 2018 in case you have questions.

Sincerely,

Noemi Davila

Contracting Officer

Enclosure: a/s

	QUEST FOR QUEST		I	THIS RFQ	18	S X IS NOT A SMAL	L BUSI	NESS SET-ASIDE	PAGE 2	OF 	PAGES 22	
1. REQUEST NO. 2. DATE ISSU 19PE5018Q0031 01/29/2018						HASE REQUEST NO. 4. CERT. FOR NAT. DEF. UNDER BDSA REG. 2			RATING			
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	5b. FO	R INFORMATI	ON CALL (NO	O COLLECT CALLS	S)		7. DEL	IVERY				
NAME Maria Fugania d	lal Calar			TEL	EPHO	NE NUMBER		FOB DESTINATION		OTHER (See Schedule)		
Maria Eugenia d	ei Solai			AREA CODE	NUME	BER			TINATION	NATION		
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			8. TO:					ICAN EMBASSY LIMA				
a. NAME			b. CO	MPANY			b. STREET ADDRESS AVENIDA ENCALADA, CUADRA 17, MONTERRICO, ATTN:					
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NOTE: Add	itional provisions a			are	8	are not attached.		THORIZES T.	Le see		ATION:	
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**Section 2 –Basic Information- Specifications** 

Item	Description	Qty	Unit
1	The US Embassy Lima, Peru, has a requirement for a contractor to provide Educational training for one hundred (100) local adolescents (male and female) from low income families, between ages of 18 and 21 years old, from neighborhoods of high rates in criminality in Callao region, particularly from areas around Model Police Stations: Marquez, Sarita Colonia, Oquendo, Pachacutec, and Juan Ingunza, located in Callao province, Lima region.  Time of performance 12 months of 35 hours per week or 140 hours per month, divided in 23 hours of classroom and provide students, light lunches during academic classes and an additional 8 hours of physical exercise/basic swimming classes per month as	01	LS
	per attached Statement of Work.		

#### **DELIVERABLES**

A week after the training is ended; the company must provide a detailed evaluation report that includes:

- 1. background information of the training
- 2. detailed and daily agenda
- 3. objectives of the meetings and participants
- 4. results and conclusions of the training
- 5. photos and media coverage if applicable
- 6. lessons learned and feedback

Report needs to be prepared in English. Upon the receipt of this report, vendor will be cleared to submit their final invoice.

#### **PAYMENT**

Bi monthly payments, after the evaluation report at the end of every two months is received, the INL Police office will issue the Receiving Report so the partial payment can be process by the Financial Office. Payment lead-time is 30 days upon the receiving of the Receiving Report and vendor's invoice by DBO.

#### **SECTION 3 - EVALUATION FACTORS**

- Award will be made to the lowest priced, acceptable, responsible quoter.
- The Government reserves the right to reject proposals that are unreasonably low or high in price.
- The lowest price will be determined by multiplying the offered prices times the estimated quantities
- The Government will determine quoter acceptability will be determined by assessing the quoter's compliance with the terms of the RFQ.
- The Government will determine quoter responsibility by analyzing whether the apparent successful quoter complies with the requirements of FAR 9.1, including:
  - adequate financial resources or the ability to obtain them;
  - ability to comply with the required performance period, taking into consideration all existing commercial and governmental business commitments;
- satisfactory record of integrity and business ethics;
- necessary organization, experience, and skills or the ability to obtain them;
- necessary equipment and facilities or the ability to obtain them
- Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

#### **Statement of Work**

## Technical Military-Police Education Preparation of youth students from Callao Region under Model Police Station Lima, Peru

#### **BACKGROUND**

The Department of State, International Narcotics and Law Enforcement Affairs (INL) Section is the office within the U.S. Embassy to Lima, Peru that manages assistance activities funded under the INL Police Program, Lima, Peru. INL Police Program principal mission is to enhance the institutional capacity of the Peruvian National Police (PNP) as it relates to counter-narcotics activities, combatting transnational criminal organizations, and enhancing citizen security.

INL PP through its Model Police Station Program (MPS) based in the region of Callao, trains the PNP to utilize "Community Policing" (CP) principals to engage the local community and combat criminal activity. To support the MPS program, INL provides equipment, specialized training, and technical advice to the PNP. In addition, to support PNP efforts to both build stronger ties to the community and deter youth from criminal activity, INL has agreed to educational police training at local pre-academies for one hundred (100) local adolescents (male and female) from low income families, between the ages 18 and 21 years old. The youth that are considered for the educational scholarships are from neighborhoods with high rates in criminality in Callao region, particularly from MPS's located in the districts of: Juan Ingunza Valdivia, Marquez, Sarita Colonia, Oquendo, Pachacutec, and Juan Ingunza. All are based in the province of Callao, Lima region.

This type of educational training is focused at improving basic knowledge and comprehension skills at the high school level which will enable and prepare the selected students to successfully pass the police exams for either the Sub-officer or Officer Academy of the Peruvian National Police (PNP).

By successfully passing the exam and entering into the Police Academies in Peru, these young students will have an opportunity to be trained as professional police officers who will one day return and serve their own communities, combat criminal activity the micro-commercialization of narcotics, and increase citizen security.

#### **PURPOSE**

The purpose of this SOW is to provide the selected youth of Callao with the opportunity to attend classes on a regular basis to refresh and improve their knowledge and skills relating to core high school studies such as mathematics, history, comprehension and reading skills. In addition, the training is focused on building a student's discipline and determination. Lastly, students are provided extensive lesion in physical fitness training so that both their minds and bodies are well prepared for both the police entrance examination, but also, the two years of police training.

Successful completion of the pre-academy program will provide students with the skills and knowledge to pass the, Peruvian National Police exams at any sub-officers and/or officer police academy in Peru.

#### PERIOD AND TIME OF PERFORMANCE

The period of performance will be 12 calendar months.

Time of performance will be 35 hours per week or 140 hours per month. This will be divided in 23 hours of academic classroom instruction and 8 hours of physical exercise/basic swimming classes per month.

Note: Minimum hours of training must be 1,900 hours and maximum of 1,920 hours during the 12 months period.

Day of performance:

Monday thru Friday 07:30 AM – 14:30 p.m. (academics)

Saturday or Sunday 09:00 to 13:00 hrs. (Seminars regarding any subjects included on educational curricula)

#### PLACE OF PERFORMANCE

At any local institute that able to prepare students to take police entry exams at Peruvian National Police Academies and are located in Lima downtown of Lima region, Peru.

#### **OBJECTIVES**

The objective is to prepare students to take the police entrance exams after the pre-academy training has been concluded. The training curriculum will cover but not be limited to the following subjects:

- 1. Math (all type of math including Algebra)
- 2. Sciences
- 3. Logic and/or reasoning, and problem solving analysis
- 4. Weekly examination quizzes
- 5. Physical exercises: physical fitness training (fitness runs of of up to 3.5 kilometers distances)
- 6. Police-Military Discipline
- 7. Social Cultural information
- 8. Teaching basic interviewing and verbal skills to pass the Sub-officer and Officer police exam.
- 9. Visit(s) and guided tour visit(s) to a police academy for either Sub-officers and/or Officers of the Peruvian National Police.
- 10. Introduction to the culture and work environment of the Peruvian National Police organization.

11. Physical Fitness: Students will take swimming lessons at the basic, intermediate, and advance level.

#### VENDOR DUTIES AND RESPONSIBILITIES

It is expected that the vendor:

- 1. Will develop an academic curriculum to cover 35 continuous hours of both academic and physical fitness training per week (Monday thru Sunday).
- 2. Provide adequately equipped classroom installations for one hundred (100) young students from province of Callao, Lima region.
- 3. Ensure and coordinate there is consistency of instruction. Utilize instructors with specialized training and more than 3 years of experience in Military or Police careers to provide lectures to students.
- 4. Provides individual educational material for each student, written in Spanish speaking language. Materials will include PowerPoint presentations, course manual, hand-outs, case studies, and exercises.
- 5. Covers instructor fees, preparation time, and all related administrative costs.
- 6. The vendor will provide a set of comprehensive course materials that are compatible with the preparation for taking Police exams at any police sub-officer school and/or officer school of the Peruvian National Police (PNP).
- 7. Vendor should submit training development curricula to Police Program
- 8. Provide students light lunches during classes

#### RESPONSIBILITIES OF POLICE PROGRAM

Submit the list of attendees to the coordinator of the selected vendor

Conduct site-visits once per month to the respective institute or academy selected in order to overview the training

#### MINIMUM QUALIFICATIONS OF VENDOR

- 1. The vendor (educational training institute) will have demonstrate 10 years of experience in the development and implementation of preparing potential candidates to take the PNP entrance examination.
- 2. The vendor should ensure that instructors have specialized backgrounds for each course taught on the educational curricula.

- 3. The vendor should be capable of issuing basic medical examinations to all 100 students (prior to any physical fitness training exercises). The medical examinations should be conducted by professional medical doctors.
- 4. The vendor should have ensure that during the physical fitness training portion that certified specialists in fitness and swimming training, with first AID certification skills are utilized.
- 5. Vendor should submit medical results to Police Program
- 6. All instructors utilized by the vendor will have:
  - Demonstrated experience in delivering the type of course or training in request.
  - Demonstrated experience in delivering police curriculums in Lima, Peru.
  - Possess at least 3 years of experience in teaching in Law Police Enforcements academies in Peru.
  - Possess a Bachelor degree certificate or accredited license in the field of police sciences, physical education, sociology, psychology and other military/police career fields.

#### PREFERRED QUALIFICATIONS

- 1. Demonstrated work experience and familiarity with PNP police exams for entering the PNP Sub-officers and Officer police academies of the Peruvian National Police (PNP)
- 2. Instructors who have worked and/or lived in Lima, Peru
- 3. Must already have a Spanish curriculum and course materials which focus on the unique operational environment for policing in targeted model police station
- 4. Must be familiar with the Lima, Peru MPS.

#### **QUANTITY OF PARTICIPANTS-STUDENTS**

One hundred (100) adolescents (females and males) from Callao region

#### SECURITY CLEARANCE

A security clearance is not required for this project.

#### **EVALUATION CRITERIA**

#### **Factor 1: Work Experience**

Demonstrated experience in the development, implementation and management of and educational curriculum in the preparation of youth to take PNP enter exams at the Lima Sub-officer and Officer Police academies of the Peruvian National Police (PNP).

#### Factor 2: Knowledge and Experience of courses and topics of the curriculum

The submitted proposals must cite the educational training program per quarter or semester.

#### **Condition of Executing the Preparation Training:**

Selected vendor must start the first quarter of the academic training within the 60 days after received the AWARD.

#### **PAYMENT TERMS**

Bi monthly payments, after the evaluation report at the end of every two months is received, the INL Police office will issue the Receiving Report so the partial payment can be process by the Financial Office. Payment lead-time is 30 days upon the receiving of the Receiving Report and vendor's invoice by DBO.

The vendor reports should be written in Spanish and sent to the original INL requestors:

- INL Police Advisor.
- INL Police Program Specialist.

END OF STATEMENT OF WORK

#### **52.212-1 Instructions to Offerors—Commercial Items.**

As prescribed in 12.301(b)(1), insert the following provision:

### Instructions to Offerors—Commercial Items (Jan 2017)

- (a) North American Industry Classification System (NAICS) code and small business size standard. The NAICS code and small business size standard for this acquisition appear in Block 10 of the solicitation cover sheet (SF 1449). However, the small business size standard for a concern which submits an offer in its own name, but which proposes to furnish an item which it did not itself manufacture, is 500 employees.
- (b) Submission of offers. Submit signed and dated offers to the office specified in this solicitation at or before the exact time specified in this solicitation. Offers may be submitted on the <u>SF 1449</u>, letterhead stationery, or as otherwise specified in the solicitation. As a minimum, offers must show—
  - (1) The solicitation number;
  - (2) The time specified in the solicitation for receipt of offers;
  - (3) The name, address, and telephone number of the offeror;
- (4) A technical description of the items being offered in sufficient detail to evaluate compliance with the requirements in the solicitation. This may include product literature, or other documents, if necessary;
  - (5) Terms of any express warranty;
  - (6) Price and any discount terms;
  - (7) "Remit to" address, if different than mailing address;
- (8) A completed copy of the representations and certifications at FAR <u>52.212-3</u> (see FAR <u>52.212-3</u>(b) for those representations and certifications that the offeror shall complete electronically);
  - (9) Acknowledgment of Solicitation Amendments;
- (10) Past performance information, when included as an evaluation factor, to include 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); and
- (11) If the offer is not submitted on the <u>SF 1449</u>, include a statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation. Offers that fail to furnish required representations or information, or reject the terms and conditions of the solicitation may be excluded from consideration.

- (c) Period for acceptance of offers. The offeror agrees to hold the prices in its offer firm for 30 calendar days from the date specified for receipt of offers, unless another time period is specified in an addendum to the solicitation.
- (d) Product samples. When required by the solicitation, product samples shall be submitted at or prior to the time specified for receipt of offers. Unless otherwise specified in this solicitation, these samples shall be submitted at no expense to the Government, and returned at the sender's request and expense, unless they are destroyed during pre-award testing.
- (e) Multiple offers. Offerors are encouraged to submit multiple offers presenting alternative terms and conditions, including alternative line items (provided that the alternative line items are consistent with subpart 4.10 of the Federal Acquisition Regulation), or alternative commercial items for satisfying the requirements of this solicitation. Each offer submitted will be evaluated separately.
  - (f) Late submissions, modifications, revisions, and withdrawals of offers.
- (1) Offerors are responsible for submitting offers, and any modifications, revisions, or withdrawals, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that offers or revisions are due.
- (2)(i) Any offer, modification, revision, or withdrawal of an offer received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and—
- (A) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of offers; or
- (B) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or
- (C) If this solicitation is a request for proposals, it was the only proposal received.
- (ii) However, a late modification of an otherwise successful offer, that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.
- (3) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the offer wrapper, other

documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

- (4) If an emergency or unanticipated event interrupts normal Government processes so that offers cannot be received at the Government office designated for receipt of offers by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of offers will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.
- (5) Offers may be withdrawn by written notice received at any time before the exact time set for receipt of offers. Oral offers in response to oral solicitations may be withdrawn orally. If the solicitation authorizes facsimile offers, offers may be withdrawn via facsimile received at any time before the exact time set for receipt of offers, subject to the conditions specified in the solicitation concerning facsimile offers. An offer may be withdrawn in person by an offeror or its authorized representative if, before the exact time set for receipt of offers, the identity of the person requesting withdrawal is established and the person signs a receipt for the offer.
- (g) Contract award (not applicable to Invitation for Bids). The Government intends to evaluate offers and award a contract without discussions with offerors. Therefore, the offeror's initial offer should contain the offeror's best terms from a price and technical standpoint. However, the Government reserves the right to conduct discussions if later determined by the Contracting Officer to be necessary. The Government may reject any or all offers if such action is in the public interest; accept other than the lowest offer; and waive informalities and minor irregularities in offers received.
- (h) Multiple awards. The Government may accept any item or group of items of an offer, unless the offeror qualifies the offer by specific limitations. Unless otherwise provided in the Schedule, offers may not be submitted for quantities less than those specified. The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit prices offered, unless the offeror specifies otherwise in the offer.
  - (i) Availability of requirements documents cited in the solicitation.
- (1)(i) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to—

GSA Federal Supply Service Specifications Section Suite 8100 470 East L'Enfant Plaza, SW Washington, DC 20407

Telephone (202) 619-8925 Facsimile (202) 619-8978.

- (ii) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (i)(1)(i) of this provision. Additional copies will be issued for a fee.
- (2) Most unclassified Defense specifications and standards may be downloaded from the following ASSIST websites:
  - (i) ASSIST (https://assist.dla.mil/online/start/).
  - (ii) Quick Search (http://quicksearch.dla.mil/).
  - (iii) ASSISTdocs.com (http://assistdocs.com).
- (3) Documents not available from ASSIST may be ordered from the Department of Defense Single Stock Point (DoDSSP) by—
  - (i) Using the ASSIST Shopping Wizard (<a href="https://assist.dla.mil/wizard/index.cfm">https://assist.dla.mil/wizard/index.cfm</a>);
- (ii) Phoning the DoDSSP Customer Service Desk (215) 697-2179, Mon-Fri, 0730 to 1600 EST; or
- (iii) Ordering from DoDSSP, Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111-5094, Telephone (215) 697-2667/2179, Facsimile (215) 697-1462.
- (4) Nongovernment (voluntary) standards must be obtained from the organization responsible for their preparation, publication, or maintenance.
- (j) Unique entity identifier. (Applies to all offers exceeding \$3,500, and offers of \$3,500 or less if the solicitation requires the Contractor to be registered in the System for Award Management (SAM) database.) The Offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "Unique Entity Identifier" followed by the unique entity identifier that identifies the Offeror's name and address. The Offeror also shall enter its Electronic Funds Transfer (EFT) indicator, if applicable. The EFT indicator is a four-character suffix to the unique entity identifier. The suffix is assigned at the discretion of the Offeror to establish additional SAM records for identifying alternative EFT accounts (see <a href="subpart 32.11">subpart 32.11</a>) for the same entity. If the Offeror does not have a unique entity identifier, it should contact the entity designated at <a href="https://www.sam.gov">www.sam.gov</a> for unique entity identifier establishment directly to obtain one. The

Offeror should indicate that it is an offeror for a Government contract when contacting the entity designated at <a href="www.sam.gov">www.sam.gov</a> for establishing the unique entity identifier.

- (k) System for Award Management. Unless exempted by an addendum to this solicitation, by submission of an offer, the offeror acknowledges the requirement that a prospective awardee shall be registered in the SAM database prior to award, during performance and through final payment of any contract resulting from this solicitation. If the Offeror does not become registered in the SAM database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror. Offerors may obtain information on registration and annual confirmation requirements via the SAM database accessed through <a href="https://www.acquisition.gov">https://www.acquisition.gov</a>.
- (l) Debriefing. If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:
- (1) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.
- (2) The overall evaluated cost or price and technical rating of the successful and the debriefed offeror and past performance information on the debriefed offeror.
- (3) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.
  - (4) A summary of the rationale for award;
- (5) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.
- (6) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

(End of provision)

# CLAUSES FOR PURCHASE ORDERS AND BLANKET PURCHASE AGREEMENTS AWARDED BY OVERSEAS CONTRACTING ACTIVITIES (Current thru FAC 2005-95)

#### **COMMERCIAL ITEMS**

#### FAR 52.252-2 Clauses Incorporated By Reference (FEB 1998)

This purchase order or BPA incorporates the following clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: <a href="https://www.acquisition.gov/far">https://www.acquisition.gov/far</a>

DOSAR clauses may be accessed at: <a href="http://www.statebuy.state.gov/dosar/dosartoc.htm">http://www.statebuy.state.gov/dosar/dosartoc.htm</a>

### FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1) CLAUSES

NUMBER	TITLE	DATE
52.204-9	Personal Identity Verification of Contractor Personnel (if	JAN 2011
	contractor requires physical access to a federally-	
	controlled facility or access to a Federal information	
	system)	
52.212-4	Contract Terms and Conditions – Commercial Items	JAN 2017
	(Alternate I (MAY 2014) of 52.212-4 applies if the order	
	is time-and-materials or labor-hour)	
52.225-19	Contractor Personnel in a Diplomatic or Consular	MAR 2008
	Mission Outside the United States (applies to services at	
	danger pay posts only)	
52.227-19	Commercial Computer Software License (if order is for	DEC 2007
	software)	
52.228-3	Workers' Compensation Insurance (Defense Base Act)	JUL 2014
	(if order is for services and contractor employees are	
	covered by Defense Base Act insurance)	
52.228-4	Workers' Compensation and War-Hazard Insurance (if	APR 1984
	order is for services and contractor employees are <u>not</u>	
	covered by Defense Base Act insurance)	

## 52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (JAN 2017)

- (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) <u>52.209-10</u>, Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015).
- (2) 52.233-3, Protest After Award (Aug 1996) (31 U.S.C. 3553).
- (3) <u>52.233-4</u>, Applicable Law for Breach of Contract Claim (OCT 2004)(Public Laws 108-77 and 108-78 (19 U.S.C. 3805 note)).
- (b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:
- \_\_ (1) <u>52.203-6</u>, Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) (41 U.S.C. 4704 and 10 U.S.C. 2402).
- (2) <u>52.203-13</u>, Contractor Code of Business Ethics and Conduct (Oct 2015) (<u>41 U.S.C.</u> <u>3509</u>)).
- (3) <u>52.203-15</u>, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (June 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)
- \_\_ (4) <u>52.204-10</u>, Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2016) (Pub. L. 109-282) (31 U.S.C. 6101 note).
- \_\_ (5) [Reserved].
- \_\_ (6) <u>52.204-14</u>, Service Contract Reporting Requirements (Oct 2016) (Pub. L. 111-117, section 743 of Div. C).
- \_\_ (7) <u>52.204-15</u>, Service Contract Reporting Requirements for Indefinite-Delivery Contracts (Oct 2016) (Pub. L. 111-117, section 743 of Div. C).
- (8) <u>52.209-6</u>, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Oct 2015) (31 U.S.C. 6101 note).
- (9) <u>52.209-9</u>, Updates of Publicly Available Information Regarding Responsibility Matters (Jul 2013) (41 U.S.C. 2313).
- \_\_(10) [Reserved].
- \_\_(11)(i) <u>52.219-3</u>, Notice of HUBZone Set-Aside or Sole-Source Award (Nov 2011) (<u>15 U.S.C. 657a</u>).
- \_\_ (ii) Alternate I (Nov 2011) of <u>52.219-3</u>.
- (12)(i) <u>52.219-4</u>, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (OCT 2014) (if the offeror elects to waive the preference, it shall so indicate in its offer) (<u>15 U.S.C. 657a</u>).
- (ii) Alternate I (JAN 2011) of <u>52.219-4</u>.
- (13) [Reserved]

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__ (14)(i) <u>52.219-6</u>, Notice of Total Small Business Set-Aside (Nov 2011) (<u>15 U.S.C.</u>
644).
(ii) Alternate I (Nov 2011).
__ (iii) Alternate II (Nov 2011).
  (15)(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 <u>52.219</u>-7.
 (16) <u>52.219-8</u>, Utilization of Small Business Concerns (Nov 2016) (15 U.S.C.
637(d)(2)and (3)).
  (17)(i) 52.219-9, Small Business Subcontracting Plan (Nov 2016) (15 U.S.C.
637(d)(4)).
__ (ii) Alternate I (Nov 2016) of 52.219-9.
(iii) Alternate II (Nov 2016) of <u>52.2</u>19-9.
__ (iv) Alternate III (Nov 2016) of <u>52.219-9</u>.
(v) Alternate IV (Nov 2016) of 52.219-9.
__ (18) <u>52.219-13</u>, Notice of Set-Aside of Orders (Nov 2011) (<u>15 U.S.C. 644(r</u>)).
__ (19) <u>52.219-14</u>, Limitations on Subcontracting (Nov 2011) (<u>15 U.S.C. 637(a)(14)</u>).
(20) <u>52.219-16</u>, Liquidated Damages—Subcon-tracting Plan (Jan 1999) (<u>15 U.S.C.</u>
637(d)(4)(F)(i).
   (21) 52.219-27, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside
(Nov 2011) (15 U.S.C. 657 f).
  (22) 52.219-28, Post Award Small Business Program Rerepresentation (Jul 2013) (15
U.S.C. 632(a)(2)).
(23) 52.219-29, Notice of Set-Aside for, or Sole Source Award to, Economically
Disadvantaged Women-Owned Small Business Concerns (Dec 2015) (15 U.S.C.
637(m)).
   (24) 52.219-30, Notice of Set-Aside for, or Sole Source Award to, Women-Owned
Small Business Concerns Eligible Under the Women-Owned Small Business Program
(Dec 2015) (15 U.S.C. 637(m)).
__ (25) <u>52.222-3</u>, Convict Labor (June 2003) (E.O. 11755).
  (26) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (Oct 2016)
(E.O. 13126).
(27) <u>52.222-21</u>, Prohibition of Segregated Facilities (Apr 2015).
__ (28) <u>52.222-26</u>, Equal Opportunity (Sept 2016) (E.O. 11246).
__ (29) <u>52.222-35</u>, Equal Opportunity for Veterans (Oct 2015)(38 U.S.C. 4212).
 (30) 52.222-36, Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C.
793).
__ (31) <u>52.222-37</u>, Employment Reports on Veterans (FEB 2016) (38 U.S.C. 4212).
(32) <u>52.222-40</u>, Notification of Employee Rights Under the National Labor Relations
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\_\_ (ii) Alternate I (Mar 2015) of <u>52.222-50</u> (<u>22 U.S.C. chapter 78</u> and E.O. 13627).

X (33)(i) 52.222-50, Combating Trafficking in Persons (Mar 2015) (22 U.S.C. chapter

Act (Dec 2010) (E.O. 13496).

78 and E.O. 13627).

- \_\_ (34) <u>52.222-54</u>, Employment Eligibility Verification (OCT 2015). (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 <u>22.1803</u>.)
- \_\_(35) <u>52.222-59</u>, Compliance with Labor Laws (Executive Order 13673) (OCT 2016). (Applies at \$50 million for solicitations and resultant contracts issued from October 25, 2016 through April 24, 2017; applies at \$500,000 for solicitations and resultant contracts issued after April 24, 2017).
- **Note to paragraph** (b)(35): By a court order issued on October 24, 2016, 52.222-59 is enjoined indefinitely as of the date of the order. The enjoined paragraph will become effective immediately if the court terminates the injunction. At that time, GSA, DoD and NASA will publish a document in the Federal Register advising the public of the termination of the injunction.
- \_\_ (36) <u>52.222-60</u>, Paycheck Transparency (Executive Order 13673) (OCT 2016).
- \_\_ (37)(i) <u>52.223-9</u>, Estimate of Percentage of Recovered Material Content for EPA—Designated Items (May 2008) (<u>42 U.S.C. 6962(c)(3)(A)(ii)</u>). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- \_\_ (ii) Alternate I (May 2008) of <u>52.223-9</u> (<u>42 U.S.C. 6962(i)(2)(C)</u>). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- \_\_ (38) <u>52.223-11</u>, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Jun 2016) (E.O. 13693).
- \_\_ (39) <u>52.223-12</u>, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (Jun 2016) (E.O. 13693).
- (40)(i) <u>52.223-13</u>, Acquisition of EPEAT®-Registered Imaging Equipment (Jun 2014) (E.O.s 13423 and 13514).
- \_\_ (ii) Alternate I (Oct 2015) of <u>52.223-13</u>.
- \_\_(41)(i) <u>52.223-14</u>, Acquisition of EPEAT®-Registered Televisions (Jun 2014) (E.O.s 13423 and 13514).
- \_\_ (ii) Alternate I (Jun 2014) of <u>52.223-14</u>.
- \_\_(42) <u>52.223-15</u>, Energy Efficiency in Energy-Consuming Products (DEC 2007) (<u>42</u> U.S.C. 8259b).
- \_\_(43)(i) <u>52.223-16</u>, Acquisition of EPEAT®-Registered Personal Computer Products (OCT 2015) (E.O.s 13423 and 13514).
  - (ii) Alternate I (Jun 2014) of <u>52.223-16</u>.
- \_X\_ (44) <u>52.223-18</u>, Encouraging Contractor Policies to Ban Text Messaging While Driving (AUG 2011) (E.O. 13513).
- \_\_ (45) <u>52.223-20</u>, Aerosols (Jun 2016) (E.O. 13693).
- \_\_ (46) <u>52.223-21</u>, Foams (Jun 2016) (E.O. 13693).
- (47) 52.225-1, Buy American—Supplies (May 2014) (41 U.S.C. chapter 83).
- \_X\_ (48)(i) <u>52.225-3</u>, Buy American—Free Trade Agreements—Israeli Trade Act (May 2014) (<u>41 U.S.C. chapter 83</u>, <u>19 U.S.C. 3301</u> note, <u>19 U.S.C. 2112</u> note, <u>19 U.S.C.</u> <u>3805</u> note, <u>19 U.S.C. 4001</u> note, Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302,
- 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43.
- (ii) Alternate I (May 2014) of <u>52.225-3</u>.
- (iii) Alternate II (May 2014) of <u>52.225-3</u>.
- \_\_ (iv) Alternate III (May 2014) of <u>52.225-3</u>.

- \_\_(49) <u>52.225-5</u>, Trade Agreements (OCT 2016) (<u>19 U.S.C. 2501</u>, et seq., <u>19 U.S.C.</u> 3301note).
- \_X\_ (50) <u>52.225-13</u>, Restrictions on Certain Foreign Purchases (June 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
- \_\_(51) <u>52.225-26</u>, Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
- \_\_(52) <u>52.226-4</u>, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (<u>42</u> U.S.C. 5150).
- \_\_ (53) <u>52.226-5</u>, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).
- \_X\_ (54) <u>52.232-29</u>, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 4505, 10 U.S.C. 2307(f)).
- \_\_(55) <u>52.232-30</u>, Installment Payments for Commercial Items (Oct 1995) (<u>41 U.S.C.</u> <u>4505</u>, <u>10 U.S.C.</u> 2307(f)).
- \_X\_ (56) <u>52.232-33</u>, Payment by Electronic Funds Transfer—System for Award Management (Jul 2013) (<u>31 U.S.C. 3332</u>).
- \_\_ (57) <u>52.232-34</u>, Payment by Electronic Funds Transfer—Other than System for Award Management (Jul 2013) (<u>31 U.S.C. 3332</u>).
- (58) <u>52.232-36</u>, Payment by Third Party (May 2014) (<u>31 U.S.C. 3332</u>).
- \_\_ (59) <u>52.239-1</u>, Privacy or Security Safeguards (Aug 1996) (<u>5 U.S.C. 552a</u>).
- \_\_(60)(i) <u>52.247-64</u>, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (<u>46 U.S.C. Appx. 1241(b)</u> and <u>10 U.S.C. 2631</u>).
- \_\_ (ii) Alternate I (Apr 2003) of <u>52.247-64</u>.
- (c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:
- [Contracting Officer check as appropriate.]
- (1) 52.222-17, Nondisplacement of Qualified Workers (May 2014)(E.O. 13495).
- (2) <u>52.222-41</u>, Service Contract Labor Standards (May 2014) (41 U.S.C. chapter 67).
- (3) <u>52.222-42</u>, Statement of Equivalent Rates for Federal Hires (May 2014) (<u>29 U.S.C.</u> <u>206</u> and <u>41 U.S.C.</u> chapter 67).
- \_\_ (4) <u>52.222-43</u>, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (May 2014) (<u>29 U.S.C. 206</u> and <u>41 U.S.C. chapter 67</u>).
- \_\_ (5) <u>52.222-44</u>, Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (May 2014) (<u>29 U.S.C. 206</u> and <u>41 U.S.C. chapter 67</u>).
- (6) <u>52.222-51</u>, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (May 2014) (<u>41 U.S.C. chapter 67</u>).
- \_\_ (7) <u>52.222-53</u>, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services—Requirements (May 2014) (<u>41 U.S.C. chapter 67</u>).
- \_\_\_(8) <u>52.222-55</u>, Minimum Wages Under Executive Order 13658 (Dec 2015).

- (9) <u>52.222-62</u>, Paid Sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706).
- \_\_(10) <u>52.226-6</u>, Promoting Excess Food Donation to Nonprofit Organizations (May 2014) (42 U.S.C. 1792).
- (11) <u>52.237-11</u>, Accepting and Dispensing of \$1 Coin (Sept 2008) (<u>31 U.S.C.</u> <u>5112(p)(1)</u>).
- (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 <u>52.215-2</u>, 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 <u>subpart 4.7</u>, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.
- (3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.
- (e)(1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in 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) <u>52.203-13</u>, Contractor Code of Business Ethics and Conduct (Oct 2015) (<u>41 U.S.C.</u> <u>3509</u>).
- (ii) <u>52.219-8</u>, Utilization of Small Business Concerns (Nov 2016) (<u>15 U.S.C.</u> <u>637(d)(2)</u> and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$700,000 (\$1.5 million for construction of any public facility), the subcontractor must include <u>52.219-8</u> in lower tier subcontracts that offer subcontracting opportunities.
- (iii) <u>52.222-17</u>, Nondisplacement of Qualified Workers (May 2014) (E.O. 13495). Flow down required in accordance with paragraph (l) of FAR clause <u>52.222-17</u>.
- (iv) 52.222-21, Prohibition of Segregated Facilities (Apr 2015)
- (v) 52.222-26, Equal Opportunity (Sept 2016) (E.O. 11246).
- (vi) <u>52.222-35</u>, Equal Opportunity for Veterans (Oct 2015) (<u>38 U.S.C. 4212</u>).
- (vii) <u>52.222-36</u>, Equal Opportunity for Workers with Disabilities (Jul 2014) (<u>29 U.S.C.</u> <u>793</u>).
- (viii) <u>52.222-37</u>, Employment Reports on Veterans (Feb 2016) (<u>38 U.S.C. 4212</u>)

- (ix) <u>52.222-40</u>, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause 52.222-40.
- (x) 52.222-41, Service Contract Labor Standards (May 2014) (41 U.S.C. chapter 67).
- (xi) <u>52.222-50</u>, Combating Trafficking in Persons (Mar 2015) (<u>22 U.S.C. chapter 78</u> and E.O 13627). Alternate I (Mar 2015) of <u>52.222-50</u> (<u>22 U.S.C. chapter 78</u> and E.O 13627).
- (xii) <u>52.222-51</u>, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) (41 U.S.C. chapter 67).
- (xiii) <u>52.222-53</u>, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) (<u>41 U.S.C. chapter 67</u>).
- (xiv) 52.222-54, Employment Eligibility Verification (OCT 2015) (E.O. 12989).
- (xv) 52.222-55, Minimum Wages Under Executive Order 13658 (Dec 2015).
- (xvi) <u>52.222-59</u>, Compliance with Labor Laws (Executive Order 13673) (OCT 2016) (Applies at \$50 million for solicitations and resultant contracts issued from October 25, 2016 through April 24, 2017; applies at \$500,000 for solicitations and resultant contracts issued after April 24, 2017).
- Note to paragraph (e)(1)(xvi): By a court order issued on October 24, 2016, 52.222-59 is enjoined indefinitely as of the date of the order. The enjoined paragraph will become effective immediately if the court terminates the injunction. At that time, GSA, DoD and NASA will publish a document in the Federal Register advising the public of the termination of the injunction.
- (xvii) <u>52.222-60</u>, Paycheck Transparency (Executive Order 13673) (OCT 2016)). (xviii) <u>52.222-62</u>, Paid Sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706).
- (xix) <u>52.225-26</u>, Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; <u>10 U.S.C. 2302 Note</u>).
- (xx) <u>52.226-6</u>, Promoting Excess Food Donation to Nonprofit Organizations (May 2014) (<u>42 U.S.C. 1792</u>). Flow down required in accordance with paragraph (e) of FAR clause <u>52.226-6</u>.
- (xxi) <u>52.247-64</u>, Preference for Privately Owned U.S.-Flag Commercial Vessels (Feb 2006) (<u>46 U.S.C. Appx. 1241(b)</u> and <u>10 U.S.C. 2631</u>). Flow down required in accordance with paragraph (d) of FAR clause <u>52.247-64</u>.
- (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.

(End of clause)

## **DEPARTMENT OF STATE ACQUISITION REGULATION (48 CFR Chapter 6) CLAUSES**

NUMBER	TITLE	DATE
652.225-71	Section 8(a) of the Export Administration Act of 1979,	AUG 1999
	As Amended (if order exceeds simplified acquisition	
	threshold)	
652.229-70	Excise Tax Exemption Statement for Contractors Within	JUL 1988
	the United States (for supplies to be delivered to an	
	overseas post)	
652.229-71	Personal Property Disposition at Posts Abroad	AUG 1999
652.237-72	Observance of Legal Holidays and Administrative Leave	APR 2004
	(for services where performance will be on-site in a	
	Department of State facility)	
652.239-71	Security Requirements for Unclassified Information	SEP 2007
	Technology Resources (for orders that include	
	information technology resources or services in which	
	the contractor will have physical or electronic access to	
	Department information that directly supports the	
	mission of the Department)	
652.242-70	Contracting Officer's Representative (if a COR will be	AUG 1999
	named for the order) Fill-in for paragraph b: "The COR	
	is"	
652.242-71	Notice of Shipments	JUL 1988
652.242-73	Authorization and Performance	AUG 1999
652.243-70	Notices	AUG 1999
652.247-71	Shipping Instruction	FEB 2015

(End of clause)