

## **Best, Tish (NIH/OD) [E]**

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**From:** Best, Tish (NIH/OD) [E]

**Sent:** Monday, April 16, 2012 11:32 AM

**To:** List NIH1102-L

**Cc:** Levy, Barbara (NIH/OD) [C]; Dillon, Raymond (NIH/OD) [E]; Laycock, Gail

**Subject:** Workform Update

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The workforms have been updated to incorporate the changes required by FACs 2005-56 and 2005-57, HHS's March 27, 2012 Acquisition Policy Memorandum 2012-03, entitled, "Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS' Non-Discrimination Policy (see: <http://www.hhs.gov/asfr/ogapa/acquisition/apm-2012-03.html>, Attachment A, "Interim Updates to HHSAR" is attached for your information), NIH Two-Way Match Line Item Description Memorandum, including updated Invoice Instructions, and other housekeeping changes. The updated files are dated 4/12/2012 and can be found on the NIH OAMP Internet at <http://oamp.od.nih.gov/DGS/DGShomepage.html>. The Document Generation System (DGS) can be accessed at: <http://dgs.nci.nih.gov/dgs/index.jsp>.

The following is an explanation of the changes made to each workform. If you would like additional summary or detailed information about FACs 2005-55 and 2005-57, you may access the Federal Register Notice, under General Services Administration at:

- <http://www.gpo.gov/fdsys/search/getfrtoc.action?selectedDate=2012-03-02>
- <http://www.gpo.gov/fdsys/search/getfrtoc.action?selectedDate=2012-03-07>

### **I. Contract**

### **II. RFP**

### **III. SECTION K (NIH Representations & Certifications)**

(<http://oamp.od.nih.gov/DGS/FORMS/sectionk.pdf>)

### **IV. Individual Representations and Certifications**

*NOTE: These files may be accessed from the OAMP Website under DGS/Contracting Forms at: (<http://oamp.od.nih.gov/DGS/rc.html> ) and are only used in the rare instance where an offeror is exempt from the CCR.*

### **V. COMMERCIAL ITEMS CLAUSES (FAR Clauses 52.212-1 through 52.212-5)**

*NOTE: These files may be accessed from the OAMP Website under DGS/Contracting Forms at: [http://oamp.od.nih.gov/DGS/DGS\\_CI\\_clauses.html](http://oamp.od.nih.gov/DGS/DGS_CI_clauses.html)*

## **EXPLANATION OF CHANGES MADE TO THE CONTRACT:**

- 1. Items 5, 7, 9, 11, 13, 15, 17, 19, 21, 25, 26, 27, 29, 30, 34, 40, 43, 46, 48, 50, 52, 54, 56, 58, Pages 5-11, 13, 15-18, 20-22, 24-31, Articles B. Prices/Costs**, have been revised to add information to assist the Contractor in the preparation of their invoices in accordance with NIH Policy Memorandum, entitled, "Two-Way Match Line Item Description." Specifically, identification of the PRISM/NBS Line Item number and Line Item Period of Performance is included for incorporation on the Contractor's invoices.
- 2. Item 130, Page 50, Article C.2.c.3.b. IT Security Plan**, has been revised to update the reference to the NIST Special Publication to NIST SP 800-53A. Guide for Assessing the Security Controls in Federal Information Systems and Organizations, which supersedes NIST SP 800-26 previously referenced in this item.
- 3. Items 194, 195, 203, 204, 214, 215, 225, 226, Pages 72, 73, 75, 76, 77, 80, 81, 84, 85, & 86, Articles G. Invoice Instructions, Subparagraphs a.2 (a.3 for NCI OA)**, have been revised to add a subparagraph g. to add the requirement for inclusion of the PRISM/NBS Line Item Number and Line Item period of performance for a proper invoice as required by NIH Policy Memorandum, entitled, "Two-Way Match Line Item Description."
- 4. Items 233, Page 88, Article G.13. Government Property**, has been revised to link the "HHS Contracting Guide for Contract of Government Property" to the DHHS Acquisition Policy webpage.
- 5. Item 262, (OLD), Article H.18. Salary Rate Limitation, HHSAR 352.231-70**, has been deleted from Section H and moved to Section I, Article I.3. in accordance with the clause matrix in HHS APM 2012-3.
- 6. Item 264, Page 100, Article H.19. Needle Distribution**, has been revised to update the text to be consistent with the HHS FY 2012 Appropriations Act, Sec. 523.
- 7. Item 265, Page 100, Article H.20. Acknowledgement of Federal Funding, (ARTICLE TITLE ONLY)**, has been revised to more accurately reflect the nature of this legislative mandate (Sec 505). This title is also consistent with the NIH Notice NOT-OD-12-134 at: <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-12-034.html>.
- 8. Item 269, Page 101, Article H.24. Dissemination of false or Deliberately Misleading Information**, has been revised to update the text to be consistent with the HHS FY 2012 Appropriations Act, (Sec. 516) which removed the reference to "scientific" information. Now prohibits dissemination of all false or misleading information.
- 9. Item 270, (OLD), Article H.26. Restriction on Employment of Unauthorized Alien Workers**, has been revised to delete this article as this Legislative Mandate is no longer in effect.
- 10. Item 289, Page 116, Article H.40. Information and Physical Access Security, Subparagraph D. Security Requirements For Federal Information Technology Resources, HHSAR 352.239-72**, has been revised to add a note after the end of clause to advise contractors that NIST Special Publication to NIST SP 800-53A. Guide for Assessing the Security Controls in Federal Information Systems and Organizations, supersedes NIST SP 800-26 referenced in subparagraph c.1.a.(ii) this HHSAR Clause.

**11. Items 335 – 351, Pages 140-182, Article I.1. General Clauses, have been revised as follows:**

- FAR Clause 52.222-19, Child Labor—Cooperation with Authorities and Remedies, has been updated to April, 2012 in accordance with Items V & VI of FAC 2005-56.
- FAR Clause 52.245-1, Government Property, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
- FAR Clause 52.245-9, Use and Charges, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
- FAR Clause 52.249-2, Termination for Convenience of the Government (Fixed-Price), has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
- HHSAR Clause 352.203-70, Anti-Lobbying, has been updated to March, 2012 in accordance with HHS’s March 27, 2012 Acquisition Policy Memorandum 2012-03, entitled, “Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS’ Non-Discrimination Policy

**12. Item 372, Page 185, Article I.2.s. FAR Clause, 52.225-3, Buy American Act—Free Trade Agreements—Israeli Trade Act, and Alternates I & II, have been updated to March, 2012 and Alternate III has been added for use in applicable contracts valued at \$77,494 or more, but less than \$100,000, in accordance with FAC 2005-57. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.**

**13. Item 373, Page 186, Article I.2.t. FAR Clause 52.225-5, Trade Agreements, has been updated to April, 2012 in accordance with Item VI of FAC 2005-56. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.**

**14. Item 374, Page 186, Article I.2.u. Alternate II of FAR Clause 52.245-1, Government Property, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.**

**15. Item 380, Page 187, Article I.2.aa. FAR Clause 52.232-16, Progress Payments, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.**

**16. Items 391, 392, 393, 394, 395, 396, Page 189, Articles I.2. ll. through qq, FAR Clause 52.249-2, Termination for convenience of the Government (Services)(Short Form, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.**

**17. Item 455, Page 201, Article I.3.a. 44. FAR Clause 52.219-29, Notice of Set-Aside for Economically disadvantaged Women-Owned Small Business Concerns, has been updated to April, 2012 in accordance with Item I of FAC 2005-56.**

**18. Item 456, Page 201, Article I.3.a.45. FAR Clause 52.219-30, Notice of Set-Aside for Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program, has been updated to April, 2012 in accordance with Item I of FAC 2005-56.**

**19. Item 524, Page 213, Article I.3.a.113. FAR Clause 52.245-1, Government Property, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.**

**20. Item 525, Page 213, Article I.3.a.114. Alternate I of FAR Clause 52.245-1, Government Property, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.**

**21. Item 526, Page 213 Article I.3.a.115. Alternate II of FAR Clause 52.245-1, Government Property, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.**

- 22. Item 527, Page 214, Article I.3.a.116. FAR Clause 52.245-2, Government Property (Installation Operation Services)**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
- 23. Item 528, Page 214, Article I.3.a.117. FAR Clause 52.245-9, Use and Charges**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
- 24. Item 539, Page 216, Article I.3.a. 127. FAR Clause 52.251-1, Government Supply Sources**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
- 25. Item 545, Page 216, Article I.3.b.4. HHSAR Clause 352.231-70, Salary Rate Limitation**, has been updated to March, 2012, and added to this Article I.3.b. in accordance with the clause matrix in HHS APM 2012-3.
- 26. Item 564 (OLD) Article I.4.b. Alternate I of FAR Clause 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters**, has been removed in accordance with VIII of FAC 2005-56.
- 27. Item 569, Page 225, Article I.4.a.8. FAR Clause 52.225-9, Buy American Act—Construction Materials (PRESCRIPTION ONLY)**, has been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
- 28. Item 570, Page 228, Article I.4.a.9. FAR Clause 52.225-11, Buy American Act—Construction Materials Under Trade Agreements**, has been updated to April, 2012 in accordance with Item VI of FAC 2005-56 and FAC 2005-57. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.
- 29. Item 571, Page 232, Article I.4.a.10. Alternate I of FAR Clause 52.225-11, Buy American Act—Construction Materials Under Trade Agreements**, has been updated to March, 2012 in accordance with FAC 2005-57. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.
- 30. Item 572, Page 233, Article I.4.a.11, FAR Clause 52.225-21, Required Use of American Iron, Steel, and manufactured Goods-Buy American Act—Construction Materials (PRESCRIPTION ONLY)**, has been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
- 31. Item 573, Page 235, Article I.4.a.12. FAR Clause 52.225-23, Required Use of American Iron, Steel, and manufactured Goods—Buy American Act—Constructions Materials Under Trade Agreements**, has been updated to April, 2012 in accordance with Item VI of FAC 2005-56 and FAC 2005-57. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.
- 32. Item 574, Page 239, Article I.4.a.13, Alternate I of FAR Clause 52.225-23, Required Use of American Iron, Steel, and manufactured Goods—Buy American Act—Constructions Materials Under Trade Agreements (April 2012)**, (PRESCRIPTION ONLY), has been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
- 33. Item 579, Page 243, Article I.4.a.17. FAR Clause 52.232-32, Performance-Based Payments**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
- 34. Item 583, Page 249, Article I.4.b. Department of health and Human Services Acquisition Regulation (HHSAR) (48 CHAPTER 3) CLAUSES;** (HEADING IS ADDED) for use with HHSAR Clauses required to be included in full text.

- 35. Item 584, Page 249, Article I.4.b.1. HHSAR Clause 352.204-16, Prevention and Public Health Fund—Reporting Requirements (March 2012)**, is added for use in all solicitations and contracts funded in whole or in part with Prevention and Public Health Fund (PPHF) Funds in accordance with HHS’s March 27,2012 Acquisition Policy Memorandum 2012-03, entitled, “Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS’ Non-Discrimination Policy.
- 36. Item 585, Page 250, Article I.4.b.2. HHSAR Clause 352.237-73, Non-Discrimination in Service Delivery (March 2012)**, has been added for use in solicitations, contracts, and orders to deliver services under HHS’s Programs directly to the public in accordance with HHS’s March 27,2012 Acquisition Policy Memorandum 2012-03, entitled, “Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS’ Non-Discrimination Policy.
- 37. Items 606, 608, & 609, Page 255, Section J – List of Attachments, Subparagraphs 4. 6, & 7, NIH(RC) Clauses 1, 2 & 4, Invoice Instructions**, have been updated to 4/2012, to add the requirement for inclusion of the PRISM/NBS Line Item Number and Line Item period of performance for a proper invoice as required by NIH Policy Memorandum, entitled, “Two-Way Match Line Item Description.”

**Manual Maintenance:** It is recommended that you print and replace **the entire “Contract Handbook” file** under **DGS Handbook Files** from the NIH OAMP Internet. *(Please note that this document has been formatted for a XEROX Work Centre 7775. If using another printer definition, the page numbers listed above may differ on your document. However, the ITEM NUMBERS will always be the same.)*

#### **EXPLANATION OF CHANGES MADE TO THE RFP:**

- 1. Items 7, 9, 11, 13, 15, 17, 19, 21, 23, 27, 28, 29, 31, 32, 36, 39, 42, 45, 48, 50, 52, 54, 56, 58, 60, Pages 7-13, 17-20, 22-24, 26-31, & 33, Articles B. Prices/Costs**, have been revised to add information to assist the Contractor in the preparation of their invoices in accordance with NIH Policy Memorandum, entitled, “Two-Way Match Line Item Description.” Specifically, identification of the PRISM/NBS Line Item number and Line Item Period of Performance is included for incorporation on the Contractor’s invoices.
- 2. Item 81, Page 40, Article C.2.c.3.b. IT Security Plan**, has been revised to update the reference to the NIST Special Publication to NIST SP 800-53A. Guide for Assessing the Security Controls in Federal Information Systems and Organizations, which supersedes NIST SP 800-26 previously referenced in this item.
- 3. Items 140, 141, 149, 150, 160, 161, 169, 170, Pages 61, 62, 65, 66, 69, 70, 72, 73, 74, Articles G. Invoice Instructions, Subparagraphs a.2 (a.3 for NCI OA)**, have been revised to add a subparagraph g. to add the requirement for inclusion of the PRISM/NBS Line Item Number and Line Item period of performance for a proper invoice as required by NIH Policy Memorandum, entitled, “Two-Way Match Line Item Description.”
- 4. Item 176, Page 76, Article G.13. Government Property**, has been revised to link the “HHS Contracting Guide for Contract of Government Property” to the DHHS Acquisition Policy webpage
- 5. Item 194, (OLD), Article H.17. Salary Rate Limitation, HHSAR 352.231-70**, has been deleted from Section H and moved to Section I, Article I.3. in accordance with the clause matrix in HHS APM 2012-3.
- 6. Item 196, Page 86, Article H.18. Needle Distribution**, has been revised to update the text to be consistent with the HHS FY 2012 Appropriations Act, Sec. 523.

7. **Item 197, Page 86** , Article H.19. Acknowledgement of Federal Funding, (ARTICLE TITLE ONLY), has been revised to more accurately reflect the nature of this legislative mandate (Sec 505). This title is also consistent with the NIH Notice NOT-OD-12-134 at: <http://grants.nih.gov/grants/guide/notice-files/NOT-OD-12-034.html>.
8. **Item 201, Page 87**, Article H.23. Dissemination of false or Deliberately Misleading Information, has been revised to update the text to be consistent with the HHS FY 2012 Appropriations Act, (Sec. 516) which removed the reference to “scientific” information. Now prohibits dissemination of all false or misleading information.
9. **Item 202, (OLD)**, Article H.25. Restriction on Employment of Unauthorized Alien Workers, has been revised to delete this article as this Legislative Mandate is no longer in effect.
10. **Item 220, Page 102**, Article H.38. Information and Physical Access Security, Subparagraph D. Security Requirements For Federal Information Technology Resources, HHSAR 352.239-72, has been revised to add a note after the end of clause to advise contractors that NIST Special Publication to NIST SP 800-53A. Guide for Assessing the Security Controls in Federal Information Systems and Organizations, supersedes NIST SP 800-26 referenced in subparagraph c.1.a.(ii) this HHSAR Clause.
11. **Item 300, Page 132**, Article I.2.o. FAR Clause, 52.225-3, Buy American Act—Free Trade Agreements—Israeli Trade Act, and Alternates I & II, have been updated to March, 2012 and Alternate III has been added for use in applicable contracts valued at \$77,494 or more, but less than \$100,000, in accordance with FAC 2005-57. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.
12. **Item 301, Page 132**, Article I.2.p. FAR Clause 52.225-5, Trade Agreements, has been updated to April, 2012 in accordance with Item VI of FAC 2005-56. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.
13. **Item 302, Page 132**, Article I.2.q. Alternate II of FAR Clause 52.245-1, Government Property, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
14. **Items 318, 319, 320, 321, 322, 323, Pages 135 & 136**, Articles I.2. gg. through II, FAR Clause 52.249-2, Termination for convenience of the Government (Services)(Short Form), has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
15. **Item 381, Page 147**, Article I.3.a. 43. FAR Clause 52.219-29, Notice of Set-Aside for Economically disadvantaged Women-Owned Small Business Concerns, has been updated to April, 2012 in accordance with Item I of FAC 2005-56.
16. **Item 382, Page 147**, Article I.3.a.45. FAR Clause 52.219-30, Notice of Set-Aside for Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program, has been updated to April, 2012 in accordance with Item I of FAC 2005-56.
17. **Item 449, Page 160**, Article I.3.a.111. FAR Clause 52.245-1, Government Property, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
18. **Item 450, Page 160**, Article I.3.a.112. Alternate I of FAR Clause 52.245-1, Government Property, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.

19. **Item 451, Page 160, Article I.3.a.113. Alternate II of FAR Clause 52.245-1, Government Property**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
20. **Item 452, Page 160, Article I.3.a.114. FAR Clause 52.245-2, Government Property (Installation Operation Services)**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
21. **Item 453, Page 160, Article I.3.a.115. FAR Clause 52.245-9, Use and Charges**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
22. **Item 462, Page 162, Article I.3.a. 127. FAR Clause 52.251-1, Government Supply Sources**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.
23. **Item 468, Page 163, Article I.3.b.4. HHSAR Clause 352.231-70, Salary Rate Limitation**, has been updated to March, 2012, and added to this Article I.3.b. in accordance with the clause matrix in HHS APM 2012-3.
24. **Item 486 (OLD), Article I.4.b. Alternate I of FAR Clause 52.209-9, Updates of Publicly Available Information Regarding Responsibility Matters**, has been removed in accordance with VIII of FAC 2005-56.
25. **Item 492, Page 172, Article I.4.a.8. FAR Clause 52.225-9, Buy American Act—Construction Materials**, (PRESCRIPTION ONLY), has been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
26. **Item 493, Page 174, Article I.4.a.9. FAR Clause 52.225-11, Buy American Act—Construction Materials Under Trade Agreements**, has been updated to April, 2012 in accordance with Item VI of FAC 2005-56 and FAC 2005-57. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.
27. **Item 494, Page 178, Article I.4.a.10. Alternate I of FAR Clause 52.225-11, Buy American Act—Construction Materials Under Trade Agreements**, has been updated to March, 2012 in accordance with FAC 2005-57. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.
28. **Item 495, Page 179, Article I.4.a.11, FAR Clause 52.225-21, Required Use of American Iron, Steel, and manufactured Goods-Buy American Act—Construction Materials**, (PRESCRIPTION ONLY), has been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
29. **Item 496, Page 181, Article I.4.a.12. FAR Clause 52.225-23, Required Use of American Iron, Steel, and manufactured Goods—Buy American Act—Constructions Materials Under Trade Agreements**, has been updated to April, 2012 in accordance with Item VI of FAC 2005-56 and FAC 2005-57. In addition, the Trade Agreement Thresholds cited in the prescription have been updated in accordance with Item V of FAC 2005-56.
30. **Item 497, Page 186, Article I.4.a.13, Alternate I of FAR Clause 52.225-23, Required Use of American Iron, Steel, and Manufactured Goods—Buy American Act—Constructions Materials Under Trade Agreements (April 2012)**, (PRESCRIPTION ONLY), has been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
31. **Item 502, Page 189, Article I.4.a.17. FAR Clause 52.232-32, Performance-Based Payments**, has been updated to April, 2012 in accordance with Item VII of FAC 2005-56.

- 32. Item 506, Page 195, Article I.4.b. Department of health and Human Services Acquisition Regulation (HHSAR) (48 CHAPTER 3) CLAUSES; (HEADING IS ADDED)** for use with HHSAR Clauses required to be included in full text.
- 33. Item 507, Page 195, Article I.4.b.1. HHSAR Clause 352.204-16, Prevention and Public Health Fund—Reporting Requirements (March 2012),** is added for use in all solicitations and contracts funded in whole or in part with Prevention and Public Health Fund (PPHF) Funds in accordance with HHS’s March 27,2012 Acquisition Policy Memorandum 2012-03, entitled, “Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS’ Non-Discrimination Policy.
- 34. Item 508, Page 196, Article I.4.b.2. HHSAR Clause 352.237-73, Non-Discrimination in Service Delivery (March 2012),** has been added for use in solicitations, contracts, and orders to deliver services under HHS’s Programs directly to the public in accordance with HHS’s March 27,2012 Acquisition Policy Memorandum 2012-03, entitled, “Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS’ Non-Discrimination Policy.
- 35. Item 577, Page 234, Section L.2.a.20. Notice of Buy American Act Requirement—Construction Materials, FAR 52.225-10, (PRESCRIPTION ONLY),** has been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
- 36. Items 579 & 581, Pages 236 & 237, Section L.2.a.21. Notice of Buy American Act Requirement—Construction Materials Under Trade Agreements, FAR 52.225-12 and its Alternate II, (PRESCRIPTIONS ONLY),** have been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
- 37. Item 582, Page 238, Section L.2.a.22, Notice of Required Use of American Iron, Steel, and Manufactured Goods-Buy American Act—Construction Materials, FAR 52.225-22, (PRESCRIPTION ONLY),** has been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
- 38. Items 584 & 586, Pages 239 & 241, Section L.2.a.23, Notice of Required Use of American Iron, Steel, and Manufactured Goods-Buy American Act—Construction Materials Under Trade Agreements, FAR 52.225-24 and its Alternate II, (PRESCRIPTIONS ONLY),** have been revised to update the Trade Agreement Thresholds in accordance with Item V of FAC 2005-56.
- 39. Item 644, Page 279, Section L.2.b.9.D. Security Requirements For Federal Information Technology Resources, HHSAR 352.239-72,** has been revised to add a note after the end of clause to advise contractors that NIST Special Publication to NIST SP 800-53A. Guide for Assessing the Security Controls in Federal Information Systems and Organizations, supersedes NIST SP 800-26 referenced in subparagraph c.1.a.(ii) this HHSAR Clause.
- 40. Item 663, Page 293, Section L.2.c.6. Salary Rate Limitation in Fiscal Year 2012,** has been revised to incorporate the requirements of P.L. 112-74, which includes changing the Executive Schedule Level from “I” to “II.”
- 41. Item 676, Page 304, Section L.2.c.16.a.2. Government Property,** has been revised to update subparagraph d. and the Note in accordance with Item VII of FAC 2005-56. (See FAR 45.201 Solicitation and 45.202 Evaluation Procedures.)

**Manual Maintenance:** It is recommended that you print and replace **the entire “RFP Handbook” file** under **DGS Handbook Files** from the NIH OAMP Intranet. *(Please note that this document has been formatted for a*



XEROX Work Centre 7775. If using another printer definition, the page numbers listed above may differ on your document. However, the ITEM NUMBERS will always be the same.)

#### EXPLANATION OF CHANGES MADE TO SECTION K (NIH Representations & Certifications):

- **Part 1, Pages 1-3, Annual Representations and Certifications, FAR Clause 52.204-8**, has been updated to March, 2012 in accordance with Item V of FAC 2005-56 and FAC 2005-57.
- **Part 8, Page 9, Alternate—Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law**, has been added for use in all solicitations that will use FY 2012 funds as required by HHS's March 27, 2012 Acquisition Policy Memorandum 2012-03, entitled, "Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS' Non-Discrimination Policy.

#### EXPLANATION OF CHANGES MADE TO THE REPRESENTATIONS AND CERTIFICATIONS:

**Important Note about the Individual Representations and Certifications:** *These files should only be used for an offeror or contractor who is exempt from the requirement to register in the CCR. All other offerors/contractors will access these provisions from the ORCA when they complete their annual Online Representations & Certifications Application.*

1. The Individual Representations and Certifications have been revised to incorporate changes required by FAC 2005-56 and FAC 2005-57 as follows:
  - FAR Provision **52.219-1, Small Business Program Representations**, has been updated to April, 2012 in accordance with Item I of FAC 2005-56.
  - FAR Provision **52.225-4, Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate**, has been revised to update the Trade Agreement threshold in the introductory Note in accordance with Item V of FAC 2005-56 and to add Alternate III (March 2012) in accordance with FAC 2005-57.
2. In addition to the changes cited in Item 1 above, the Individual Representations and Certifications for Simplified Acquisitions have been revised to add the Alternate—Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law, required by HHS's March 27, 2012 Acquisition Policy Memorandum 2012-03, entitled, "Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS' Non-Discrimination Policy

#### EXPLANATION OF CHANGES MADE TO THE COMMERCIAL ITEMS CLAUSES:

- FAR Clause **52.212-3, Offeror Representations and Certifications—Commercial Items**, has been updated to April, 2012 to:
  - Update FAR Provision 52.219-1, Small Business Program Representations as required by Item I of FAC 2005-56;
  - Update FAR Provision 52.225-4, Buy American Act—Free Trade Agreements—Israeli Trade Act Certificate to add Alternate III in accordance with FAC 2005-57; and,
  - Add, as an addendum, Alternate—Representation by Corporations Regarding an Unpaid Delinquent Tax Liability or a Felony Conviction Under Any Federal Law, for use in all solicitations

that will use FY 2012 funds as required by HHS's March 27, 2012 Acquisition Policy Memorandum 2012-03, entitled, "Implementation of the Requirements of the FY2012 HHS Appropriations Acts and HHS' Non-Discrimination Policy.

- FAR Clause **52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items**, has been updated to April, 2012 to:
  - Update clauses in subparagraph b.(24) in accordance with Item I of FAC 2005-56; and,
  - Update clauses in subparagraph b. (40) in accordance with FAC 2005-57.

Thank you,  
Tish

**Helen Tissian Best**

Procurement Analyst

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