

**From:** Spinelli, Andrea (NIH/OD) [E]  
**Sent:** Thursday, June 27, 2013 10:53 AM  
**To:** List NIH1102-L  
**Cc:** Best, Tish (NIH/OD) [E]; Gamble, Karen (NIH/OD) [E]; Flynn, Erin (NIH/OD) [E]; Stroud, Caroline (NIH/OD) [C]; Laycock, Gail; 'dgshelp@peacetech.com'  
**Subject:** Workform Update

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The workforms have been updated to incorporate the changes required by NIH Policy Manual 6027, "Review and Approval of Licensing Agreements for the Use of Proprietary Commercial Products and Services Obtained by NIH Under an Acquisition" and Acquisition Policy Memorandum 2009-07, "Guidance Regarding Generation and Use of Contractor Past Performance Information." This update also fixes various broken links and other housekeeping changes. The updated files are dated 6/27/2013 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>.

**Important Note:** FAC 2005-67 was issued Friday, June 21, FAC 2005-68 was issued Wednesday, June 26, e-VIP instructions are currently being developed, and HHS issued changes to the Conference policy on June 25. Changes required by these documents will be incorporated into our next workform update which we expect to issue on or around July 22.

The following is an explanation of the changes made to each workform.

## **I. CONTRACT**

## **II. RFP**

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

- Item 121, Page 49, Article C.2.a.9.Reporting on Select Agents or Toxins and/or Highly Pathogenic Agents**, has been revised to change the title only. The word "Report" has been changed to "Reporting."
- Item 181, Page 69, Article F.9., FAR Clause 52.211-11, Liquidated Damages—Supplies, Services or Research and Development**, is revised to add additional instructions to

complete this item and updated content, in accordance with the (September 2000) update to the FAR.

3. **Items 184, Page 71, Article G.1. Contracting Officer's Representative (COR)**, is revised to remove the language (in brackets) delegating the COR as the authorized official for signing software license agreements and add an item 6. in paragraph 4 which states the CO is the only person authorized to sign written licensing agreements, in accordance with NIH Policy Manual 6027.
4. **Item 252, Page 112, Article G.16. Post Award Evaluation of Contractor Performance**, is updated to be consistent with CPARS requirements. Specifically, the Prescription has been revised to clarify that Interim Evaluations are required on an Annual basis for all contracts with a period of performance greater than one year. In addition, the last sentence of the first paragraph of subparagraph a. is modified to advise the contractor that interim evaluations will be prepared "Annually."
5. **Item 262, Page 119, Article H.9 Registration and Results Reporting for Applicable Clinical Trials Clinicaltrials.gov, (PRESCRIPTION ONLY)**, is revised to clarify the applicability of this Article.
6. **Item 305, Page 150, Article H.42. Communications Materials and Services**, is revised to add the links to the NIH Policy Manual Chapters listed in the Article.
7. **Item 315, Page 158, Article H.52. Institutional Responsibility Regarding Investigator Financial Conflicts of Interest**, is revised to correct typos in the last paragraph.
8. **Item 394, Page 209, Article H.80. Use of Funds for Conferences, Meetings and Food**, is revised to clarify language within the provision.
9. **Item 426, Page 266, Article I.2.f. FAR Clauses 52.215-15, Pension Adjustments and Asset Reversions; 52.215-18, Reversion or Adjustment of Plans for Post-Retirement Benefits (PRB) Other Than Pensions; and, 52.215-19, Notification of Ownership Changes (October 1997) for deletion** (PRESCRIPTION ONLY), has been revised to correct the conditions for applicability. This item is applicable when both conditions are met. Therefore, the word AND has replaced the word OR.
10. **Item 445, Page 269, Article I.2.y. Clause Listing for SBIR Phase I Contracts Over the Simplified Acquisition Threshold (SAT)**, has been added for use when a SBIR Phase I contract is awarded in an amount exceeding the SAT. The current General Clause Listing for SBIR Phase I contracts does not include any clauses that are required for contracts awarded over the SAT. This item will ensure that all required clauses are included in a Phase I SBIR over the SAT.

**11. OLD ITEM 495** Article I.3.15.FAR Clause 52.211-11, Liquidated Damaged—Supplies, Services, or Research and Development, has been moved. This clause is included in Article F.9., in accordance with the FAR Matrix.

**12. OLD ITEMS 503, 505, 506, 511, 535, and 577, Article I.3.**, is revised to remove the following FAR clauses from this Article and include these clauses in full text under Article I.4., in accordance with the FAR matrix.

- 52.216-18, Ordering
- 52.216-21, Requirements
- 52.216-22, Indefinite Quantity
- 52.217-9, Option to Extend the Term of the Contract
- 52.223-7, Notice of Radioactive Materials
- 52.232-19, Availability of Funds for the Next Fiscal Year

**13. NEW ITEMS 628, 630, 631, 632, 633, 647, pages 309-312 & 336 Article I.4.**, is revised to add the following FAR clause in full text, in accordance with the FAR Matrix.

- 52.216-18, Ordering
- 52.216-21, Requirements
- 52.216-22, Indefinite Quantity
- 52.217-9, Option to Extend the Term of the Contract
- 52.223-7, Notice of Radioactive Materials
- 52.232-19, Availability of Funds for the Next Fiscal Year

**14. Item 707, Page 355, Section K – Representations and Certifications, No. 6. Software Licensing Agreement**, has been added for contracts involving Software License Agreements in accordance with NIH Manual Chapter 6027, entitled, “Review and Approval of Licensing Agreements for the Use of Proprietary Commercial Products and Services Obtained by NIH Under an Acquisition.”

**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. Item 72, Page 40, Article C.2.a.9.Reporting on Select Agents or Toxins and/or Highly Pathogenic Agents**, has been revised to change the title only. The word “Report” has been changed to “Reporting.”
- 2. Item 127, Page 59, Article F.9., FAR Clause 52.211-11, Liquidated Damages—Supplies, Services or Research and Development**, is revised to add additional instructions to

complete this item and updated content, in accordance with the (September 2000) update to the FAR.

3. **Item 130, Page 60, Article G.1. Contracting Officer's Representative (COR)**, is revised to remove the language (in brackets) delegating the COR as the authorized official for signing software license agreements and add an item 6. in paragraph 4 which states the CO is the only person authorized to sign written licensing agreements, in accordance with NIH Policy Manual 6027.
4. **Item 187, Page 101, Article G.16. Post Award Evaluation of Contractor Performance**, is updated to be consistent with CPAR requirements. Specifically, the Prescription has been revised to clarify that Interim Evaluations are required on an Annual basis for all contracts with a period of performance greater than one year. In addition, the last sentence of the first paragraph of subparagraph a. is modified to advise the contractor that interim evaluations will be prepared "Annually."
5. **Item 196, Page 107, Article H.8. Registration and Results Reporting for Applicable Clinical Trials [Clinicaltrials.gov](http://Clinicaltrials.gov), (PRESCRIPTION ONLY)**, is revised to clarify the applicability of this Article.
6. **Item 238, Page 140, Article H.40. Communications Materials and Services**, is revised to add the links to the NIH Policy Manual Chapters listed in the Article.
7. **Item 248, Page 149, Article H.50. Institutional Responsibility Regarding Investigator Financial Conflicts of Interest**, is revised to correct typos in the last paragraph.
8. **Item 327, Page 205, Article H.78. Use of Funds for Conferences, Meetings and Food**, is revised to clarify language within the provision.
9. **Item 360, Page 213, Article I.2.f. FAR Clauses 52.215-15, Pension Adjustments and Asset Reversions; 52.215-18, Reversion or Adjustment of Plans for Post-Retirement Benefits (PRB) Other Than Pensions; and, 52.215-19, Notification of Ownership Changes (October 1997) for deletion** (PRESCRIPTION ONLY), has been revised to correct the conditions for applicability. This item is applicable when both conditions are met. Therefore, the word AND has replaced the word OR.
10. **Item 374, Page 216, Article I.2.t. Clause Listing for SBIR Phase I Contracts Over the Simplified Acquisition Threshold (SAT)**, has been added for use when a SBIR Phase I contract is awarded in an amount exceeding the SAT. The current General Clause Listing for SBIR Phase I contracts does not include any clauses that are required for contracts awarded over the SAT. This item will ensure that all required clauses are included in a Phase I SBIR over the SAT.
11. **OLD ITEM 423 Article I.3.15.FAR Clause 52.211-11, Liquidated Damaged—Supplies, Services, or Research and Development**, has been moved. This clause is included in Article F.9., in accordance with the FAR Matrix.

**12. OLD ITEMS 430, 432, 433, 438, 462, and 503, Article I.3.**, is revised to remove the following FAR clauses from this Article and include these clauses in full text under Article I.4., in accordance with the FAR matrix.

- 52.216-18, Ordering
- 52.216-21, Requirements
- 52.216-22, Indefinite Quantity
- 52.217-9, Option to Extend the Term of the Contract
- 52.223-7, Notice of Radioactive Materials
- 52.232-19, Availability of Funds for the Next Fiscal Year

**13. NEW ITEMS , 552, 554, 555, 556, 557, and 571, Pages 255- 258, & 283 , Article I.4.**, is revised to add the following FAR clause in full text, in accordance with the FAR Matrix.

- 52.216-18, Ordering
- 52.216-21, Requirements
- 52.216-22, Indefinite Quantity
- 52.217-9, Option to Extend the Term of the Contract
- 52.223-7, Notice of Radioactive Materials
- 52.232-19, Availability of Funds for the Next Fiscal Year

**Item 721, Page 397, Section L.2.b.8. Obtaining and Disseminating Biomedical Research Resources**, last paragraph has been revised to correct the Link for the Federal Register Notice entitled, "SHARING BIOMEDICAL RESEARCH RESOURCES: Principles and Guideline for Recipients of NIH Research Grants and Policy."

**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.)

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