

**From:** Best, Tish (NIH/OD) [E]  
**Sent:** Thursday, July 05, 2012 2:19 PM  
**To:** List NIH1102-L  
**Cc:** Duval, William (NIH/OD) [E]; Laycock, Gail; gail.laycock@acentia.com  
**Subject:** Workform Update

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The workforms have been updated to incorporate the changes required by FAC 2005-59, NIH's June 15, 2012 Memorandum, entitled, "Implementation Guidance of the DHHS Efficient Spending Policy," a new contract article sponsored by the NIH Office of Communications which implements NIH requirements related to web sites, NIH logos, publications & audio visuals and social media, and other housekeeping changes. The updated files are dated 7/5/2012 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 2005-59, you may access the Federal Register Notice, under General Services Administration at:

- <http://www.gpo.gov/fdsys/search/getfrtoc.action?selectedDate=2012-05-10>

## **I. Contract**

## **II. RFP**

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

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

## **IV. 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. **Item 196, Page 74, Article G.9. Invoice Submission/Contract Financing Request, subparagraph a.3.**, has been added, for NCI OA use only, to specify invoice submission instructions.
2. **Item 206, Page 78, Article G.9. Invoice Submission/Contract Financing Request and Contract Financial Report, subparagraph a.3.**, has been added, for NCI OA use only, to specify invoice submission instructions.
3. **Item 218, Page 83, Article G.10. Letter of Credit Payment Information, subparagraph c.3.**, has been added, for NCI OA , use only to specify invoice submission instructions.
4. **Item 228, Page 228, Article G.11. Invoice Submission, subparagraph a.3.**, has been added, for NCI OA use only, to specify invoice submission instructions.
5. **Item 239, Page 94, Article G.14. Government Property**, has been revised to correct the phone number listed for the Division of Personal Property Services, NIH.
6. **Item 303, Page 126, Article H.42. Communications Materials and Services**, clause has been added to the contract template to be used in solicitations and contracts that involve the development, maintenance, and/or distribution of NIH Sponsored Communication materials and/or services, i.e. websites, printed products, campaign materials, and products bearing Federal marks, trademarks, and logos.
7. **Item 392, Page 175, Article H.80. Use of Funds for Conferences, Meetings and Food (PRESCRIPTION ONLY)**, clause has been revised in accordance with the HHS Efficient Spending Policy, date June 7, 2012 and the NIH Policy Memorandum Implementation Guidance, dated June 15, 2012.
8. **Item 437, Page 223, Article I.2.s. FAR Clause, 52.225-3, Buy American Act—Free Trade Agreements—Israeli Trade Act**, has been updated to May, 2012 in accordance with Item II of FAC 2005-59.
9. **Item 438, Page 224, Article I.2.t. FAR Clause 52.225-5, Trade Agreements**, has been updated to May 2012 in accordance with Item II of FAC 2005-59.
10. **Item 489, Page 232, Article I.3.a.13. FAR Clause 52.209-10 Prohibition on Contracting with Inverted Domestic Corporations**, has been updated to May 2012 in accordance with Item I of FAC 2005-59.
11. **Item 567, Page 247, Article I.3.a. 91. FAR Clause 52.230-2, Cost Accounting Standards**, has been updated to May 2012 and removes \$650,000 from the Disclosure Statement I and adds \$700,000 in its place in accordance with Item III of FAC 2005-59.

- 12. Item 568, Page 247, Article I.3.a.92. FAR Clause 52.230-3, Cost Accounting Standards**, has been updated to May 2012 and removes \$650,000 from the Disclosure Statement I and adds \$700,000 in its place in accordance with Item III of FAC 2005-59.
- 13. Item 569, Page 248, Article I.3.a.93. FAR Clause 52.230-4, Cost Accounting Standards**, has been updated to May 2012 and removes \$650,000 from the Disclosure Statement I and adds \$700,000 in its place in accordance with Item III of FAC 2005-59.
- 14. Item 570, Page 248, Article I.3. a.91. FAR Clause 52.230-5, Cost Accounting Standards**, has been updated to May 2012 and removes \$650,000 from the Disclosure Statement I and adds \$700,000 in its place in accordance with Item III of FAC 2005-59.
- 15. Items 635 & 636, Pages 265 & 268, Articles I.4.a.9. and 10. FAR Clause 52.225-11 Buy America Act-Construction Materials Under Trade Agreements**, has been updated to May 2012 and adds Colombia under Designated Country (2) in accordance with Item II of FAC 2005-59.
- 16. Items 638 & 639, Pages 271 & 275, Articles I.4.a.12. & 13. Buy America Act-Construction Materials Under Trade Agreements**, has been updated to May 2012 and adds Colombia under Designated Country (2) in accordance with Item II of FAC 2005-59.

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 142, Page 61, Article G.8. Invoice Submission/Contract Financing Request, subparagraph a.3.**, has been added, for NCI OA use only, to specify invoice submission instructions.
- 2. Item 152, Page 67, Article G.9. Invoice Submission/Contract Financing Request and Contract Financial Report, subparagraph a.3.**, has been added, for NCI OA use only, to specify invoice submission instructions.
- 3. Item 164, Page 72, Article G.10. Letter of Credit Payment Information, subparagraph c.3.**, has been added, for NCI OA , use only to specify invoice submission instructions.
- 4. Item 174, Page 76, Article G.11. Invoice Submission, subparagraph a.3.**, has been added, for NCI OA use only, to specify invoice submission instructions.
- 5. Item 234, Page 110, Article H.40. Communications Materials and Services**, clause has been added to the contract template to be used in solicitations and contracts that

involve the development, maintenance, and/or distribution of NIH Sponsored Communication materials and/or services, i.e. websites, printed products, campaign materials, and products bearing Federal marks, trademarks, and logos.

6. **Item 323, Page 160, Article H.80. Use of Funds for Conferences, Meetings and Food (PRESCRIPTION ONLY)**, clause has been revised in accordance with the HHS Efficient Spending Policy, date June 7, 2012 and the NIH Policy Memorandum Implementation Guidance, dated June 15, 2012.
7. **Item 365, Page 168, Article I.2.o. FAR Clause, 52.225-3, Buy American Act—Free Trade Agreements—Israeli Trade Act**, has been updated to May, 2012 in accordance with Item II of FAC 2005-59.
8. **Item 366, Page 168, Article I.2.p. FAR Clause 52.225-5, Trade Agreements**, has been updated to May 2012 in accordance with Item II of FAC 2005-59.
9. **Item 416, Page 176, Article I.3.a.13. FAR Clause 52.209-10 Prohibition on Contracting with Inverted Domestic Corporations**, has been updated to May 2012 in accordance with Item I of FAC 2005-59.
10. **Item 492, Page 190, Article I.3.a.89. FAR Clause 52.230-2, Cost Accounting Standards**, has been updated to May 2012 and removes \$650,000 from the Disclosure Statement I and adds \$700,000 in its place in accordance with Item III of FAC 2005-59.
11. **Item 493, Page 190, Article I.3.a. 90. FAR Clause 52.230-3, Cost Accounting Standards**, has been updated to May 2012 and removes \$650,000 from the Disclosure Statement I and adds \$700,000 in its place in accordance with Item III of FAC 2005-59.
12. **Item 494, Page 190. Article I.3.a.91. FAR Clause 52.230-4, Cost Accounting Standards**, has been updated to May 2012 and removes \$650,000 from the Disclosure Statement I and adds \$700,000 in its place in accordance with Item III of FAC 2005-59.
13. **Item 495, Page 191, Article I.3.a. 92. FAR Clause 52.230-5, Cost Accounting Standards**, has been updated to May 2012 and removes \$650,000 from the Disclosure Statement I and adds \$700,000 in its place in accordance with Item III of FAC 2005-59.
14. **Items 558 & 559, Pages 206 & 210, Articles I.4.a.9. and 10. FAR Clause 52.225-11. Buy America Act-Construction Materials Under Trade Agreements**, has been updated to May 2012 and adds Colombia under Designated Country (2) in accordance with Item II of FAC 2005-59.
15. **Items 561 & 562, Pages 213 & 217, Articles I.4.a.12. and 13. Buy America Act-Construction Materials Under Trade Agreements**, has been updated to May 2012 and adds Colombia under Designated Country (2) in accordance with Item II of FAC 2005-59.

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):**

- 1. Part 1, Annual Representations and Certifications, FAR Clause 52.204-8**, has been updated to May 2012. Subparagraph (c)(1)(v) FAR 52.209-2, Prohibition on Contracting with Inverted Domestic Corporations—Representation, has been revised to update the applicability of the clause in accordance with Item I of FAC 2005-59.
- 2. Part 3, Cost Accounting Standards Notices and Certification, FAR Clause 52.230-1**, has been updated to May 2012 in accordance with Item III of FAC 2005-59.

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

- FAR Clause 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items, has been updated to May, 2012 to:
  - Update subparagraph b.(8) in accordance with Item I of FAC 2005-59;
  - Update subparagraph b. (40) in accordance with Item I of FAC 2005-59; and,
  - Update subparagraph b. (41) in accordance with Item II of FAC 2005-59

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