

**From:** Best, Tish (NIH/OD) [E]  
**Sent:** Monday, August 19, 2013 10:36 AM  
**To:** List NIH1102-L  
**Cc:** Gamble, Karen (NIH/OD) [E]; Fratina, Michael (NIH/OD) [E]; Laycock, Gail; 'DGS Help Desk' (DGSHelpDesk@peacetech.com)  
**Subject:** Workform Update

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The workforms have been updated to incorporate the changes required by FAC 2005-67, 68, and Items in FAC 2005-69 effective on August 1, 2013. This update also fixes various broken links and other housekeeping changes. The updated files are dated 8/19/2013 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>.

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

## **I. CONTRACT**

## **II. RFP**

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

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

### **III. 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.*

## **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 179, Page 70, Article F.9., FAR Clause 52.252-2, Clauses Incorporated By Reference,** is revised to correct the web link to the FAR.

2. **Items 191 & 192, Page 82, Article G.8. Invoice Submission/Contract Financing Request NIH(RC)-1**, is removed as a stand-alone item. The **NEW Article G.8. Invoice Submission/Contract Financing Request and Contractor Financial Reporting**, combines the NIH(RC)-1 Invoice Submission/Contract Financing Request and the NIH(RC)-4 Invoice Submission/Contract Financing Request and Contract Financial Report under paragraph a. A drop-down box has been added to paragraph a. for the Contracting Officer to select the appropriate invoice instructions. All subparagraph items are applicable to both NIH(RC)-1 and NIH(RC)-4 instructions.
3. **NEW ITEM 241, Page 108, Article G.15. On-site Contractor Access to Government Property**, is added for use when contractors are working on-site and have access to government property. This article holds contractors responsible for the government equipment being used by its staff while working on-site at a government facility.
4. **Item 272, Page 123, Article H.29. Animal Welfare, (PRESCRIPTION ONLY)** is revised to provide instructions for completion of this item and to include the link to the NIH Notice for Instructions for Completion and Technical Evaluation of the Vertebrate Animal Section (VAS) in NIH Contract Proposals.
5. **Item 292, Page 144, Article H.40.E.4. Information and Physical Access Security, (PRESCRIPTION ONLY)** is revised to correct link to the NIH Incident Response Policy.
6. **Item 314 (OLD), Article H.51.NHLBI Guidelines for Avoiding Conflicts of Interest in Multicenter Clinical Trials (9/6/2000)**, has been removed as it is no longer applicable.
7. **Item 364, Page 198, Article H.65. Partnering (ORF only)**, is revised to adequately address the partnering relationship expectations between NIH, Contractors and Subcontractors.
8. **Items 391-407, Pages 214-265, Article I.1 General Clause Listings** are revised as follows:
  - FAR Clause **52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards**, is updated (July 2013), in accordance with Items III & XI of FAC 2005-67.
  - FAR Clause **52.204-13, System for Award Management Maintenance**, is updated to (July 2013) in accordance with Item III of FAC 2005-67. In addition, the title of the clause has been changed from Central Contractor Registration Maintenance.
  - FAR Clause **52.209-6, Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment**, is updated to (August 2013), in accordance with Item VII of FAC 2005-69.
  - FAR Clause **52.216-7, Allowable Cost and Payment**, is updated to (June 2013), in accordance with FAC 2005-68.
  - FAR Clause **52.219-8, Utilization of Small Business Concerns**, is updated to (July 2013), in accordance with Item III of FAC 2005-67.

- FAR Clause **52.219-9, Small Business Subcontracting Plan**, is updated to (July 2013), in accordance with Item III of FAC 2005-67.
- FAR Clause **52.222-54, Employment Eligibility Verification**, is updated to (August 2013), in accordance with Item VII of FAC 2005-69.
- FAR Clause **52.232-25, Prompt Payment**, is updated to (July 2013), in accordance with Item III of FAC 2005-67.
- FAR Clause **52.232-26, Prompt Payment for Fixed-Price Architect-Engineer Contracts**, is updated to (July 2013), in accordance with Item III of FAC 2005-67.
- FAR Clause **52.232-27, Prompt Payment for Construction Contracts**, is updated to (July 2013), in accordance with Item III of FAC 2005-67.
- FAR Clause **52.232-33, Payment By Electronic Funds Transfer—System for Award Management**, is updated to (July 2013) in accordance with Item III of FAC 2005-67. In addition, the title of the clause has been changed from Payment By Electronic Funds Transfer—Central Contractor Registration.
- FAR Clause **52.232-39, Unenforceability of Unauthorized Obligations** (June 2013), is added in accordance with Item V of FAC 2005-67.
- FAR Clause **52.244-6, Subcontracts for Commercial Items**, is updated to (July 2013), in accordance with Items I & III of FAC 2005-67.

**9. Item 410, Page 266, Article I.2.a. FAR Clauses 52.204-13, 52.232-33 and 52.204-34**, are revised as follows:

- FAR Clause **52.204-13, System for Award Management Maintenance**, is updated to (July 2013) and revised to change the title from Central Contractor Registration Maintenance, in accordance with Item III of FAC 2005-67.
- FAR Clause **52.232-33, Payment by Electronic Funds Transfer—System for Award Management**, is updated to (July 2013) and revised to change the title from Payment by Electronic Funds Transfer—Central Contractor Registration, in accordance with Item III of FAC 2005-67.
- FAR Clause **52.232-34, Payment by Electronic Funds Transfer—Other than System for Award**, is updated to (July 2013) and revised to change the title from Payment by Electronic Funds Transfer—Other Than Central Contractor Registration.

**10. Items 419 & 420, Page 267, Article I.2.j. & k. FAR Clause 52.216-7, Allowable Cost and Payment**, has been updated to (June 2013) in accordance with FAC 2005-68.

**11. Items 424, 425 & 426, Page 268, Article I.2.o., p., & q. FAR Clause 52.219-9, Small Business Subcontracting Plan**, has been updated to (July 2013), in accordance with Item III of FAC 2005-67.

**12. Item 428, Page 269, Article I.2.s. FAR Clause 52.222-54, Employment Eligibility Verification**, has been updated to (August 2013) in accordance with Item VII of FAC 2005-69.

- 13. Item 434, Page 270, Article I.2.y. FAR Clause 52.219-8, Utilization of Small Business Concerns**, has been updated to (July 2013) in accordance with Item III of FAC 2005-67.
- 14. Item 443 , Page 272, Article I.2.hh. FAR Clause 52.232-25, Prompt Payment**, has been updated to (July 2013), in accordance with Item III of FAC 2005-67.
- 15. Item 444 , Page 273, Article 1.2.ii. FAR Clauses 52.232-33 Payment By Electronic Funds Transfer—System for Award Management and 52.232-36 Payment By Third Party**, have been updated to (July 2013) in accordance with Item III of FAC 2005-67. In addition, the title of FAR Clause 52.232-33 has been changed from Payment By Electronic Funds Transfer—Central Contractor Registration.
- 16. Item 505 , Page 285, Article I.3.35. FAR Clause 52.219-25 Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting**, has been updated to (July 2013) in accordance with Item III of FAC 2005-67.
- 17. Item 508, Page 285, Article I.3.38. FAR Clause 52.219-28 Post-Award Small Business Program Rerepresentation**, has been updated to (July 2013) in accordance with Item III of FAC 2005-67.
- 18. Item 509, Page 286, Article I.3.39. FAR Clause 52.219-29 Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business Concerns**, has been updated to (July 2013) in accordance with Item III of FAC 2005-67.
- 19. Item 510, Page 286, Article I.3.40. 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 (July 2013) in accordance with Item III of FAC 2005-67.
- 20. NEW ITEM 529, Page 289, Article I.3.59. FAR Clause 52.225-26 Contractors Performing Private Security Functions Outside the United States (July 2013)**, has been added, in accordance with Item I of FAC 2005-67 for use in contracts for services or delivery of supplies in an area of combat operations or other significant military operation. See FAR 25.225-26 for additional information.
- 21. Item 562 , Page 296, Article I.3.92. FAR Clause 52.232-36 Payment by Third Party**, has been updated to (July 2013) in accordance with Item III of FAC 2005-67.
- 22. Item 615, Page 306, Article I.4.a.1. FAR Clause 52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters**, has been updated to (July 2013); and Subparagraph a. has been revised to remove Central Contractor Registration and insert System for Award Management in its place, in accordance with Item III of FAC 2005-67.
- 23. Item 692 , Page 357, Section K – Representations and Certifications, No. 1.**, has been revised to remove Online Representations and Certifications Application (ORCA). Annual Representations and Certifications will be completed and located at the System for Award Management website as directed in this item, in accordance with Item III of FAC 2005-67.

**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 125, Page 58, Article F.9., FAR Clause 52.252-2, Clauses Incorporated By Reference,** is revised to correct the web link to the FAR.
- 2. Items 137 & 138, Page 70, Article G.8. Invoice Submission/Contract Financing Request NIH(RC)-1,** is removed as a stand-alone item. The **NEW Article G.8. Invoice Submission/Contract Financing Request and Contractor Financial Reporting**, combines the NIH(RC)-1 Invoice Submission/Contract Financing Request and the NIH(RC)-4 Invoice Submission/Contract Financing Request and Contractor Financial Report under paragraph a. A drop-down box has been added to paragraph a. for the Contracting Officer to select the appropriate invoice instructions. All subparagraph items are applicable to both NIH(RC)-1 and NIH(RC)-4 instructions.
- 3. NEW ITEM 176 , Page 93, Article G.15. On-site Contractor Access to Government Property,** is added for use when contractors are working on-site and have access to government property. This article holds contractor responsible for the government equipment being used by its staff while working on-site at a government facility.
- 4. Item 206, Page 108, Article H.28 Animal Welfare,** (PRESCRIPTION ONLY) is revised to provide instructions for completion of this item and to include the link to the NIH Notice for Instructions for Completion and Technical Evaluation of the Vertebrate Animal Section (VAS) in NIH Contract Proposals.
- 5. Item 225, Page 128, Article H.38.E.4. Information and Physical Access Security,** (PRESCRIPTION ONLY) is revised to provide the correct link to the NIH Incident Response Policy.
- 6. Item 247 (OLD), Article H.49.NHLBI Guidelines for Avoiding Conflicts of Interest in Multicenter Clinical Trials (9/6/2000),** has been removed as it is no longer applicable.
- 7. Item 297, Page 182, Article H.63. Partnering (ORF only),** is revised to adequately address the partnering relationship expectations between NIH, Contractors and Subcontractors.
- 8. Item 344, Page 202, Article I.2.a. FAR Clauses 52.204-13, 52.232-33 and 52.204-34,** are revised as follows:

- FAR Clause **52.204-13, System for Award Management Maintenance**, is updated to (July 2013) and revised to change the title from Central Contractor Registration Maintenance, in accordance with Item III of FAC 2005-67.
  - FAR Clause **52.232-33, Payment by Electronic Funds Transfer—System for Award Management**, is updated to (July 2013) and revised to change the title from Payment by Electronic Funds Transfer—Central Contractor Registration, in accordance with Item III of FAC 2005-67.
  - FAR Clause **52.232-34, Payment by Electronic Funds Transfer—Other than System for Award Management, Payment by Electronic Funds Transfer—Other than System for Award**, is updated to (July 2013) and revised to change the title from Payment by Electronic Funds Transfer—Other Than Central Contractor Registration.
9. **Item 353, 354 & 355 , Pages 203 & 204, Article I.2.j.,k., & l. FAR Clause 52.219-9, Small Business Subcontracting Plan**, has been updated to (July 2013), in accordance with Item III of FAC 2005-67.
  10. **Item 357, Page 204, Article I.2.s. FAR Clause 52.222-54, Employment Eligibility Verification**, has been updated to (August 2013) in accordance with Item VII of FAC 2005-69.
  11. **Item 363, Page 205 & 206, Article I.2.t. FAR Clause 52.219-8, Utilization of Small Business Concerns**, has been updated to (July 2013) in accordance with Item III of FAC 2005-67.
  12. **Item 371, Page 207, Article I.2.bb. FAR Clause 52.232-25, Prompt Payment**, has been revised to update the clause to (July 2013), in accordance with Item III of FAC 2005-67.
  13. **Item 372, Page 207, Article 1.2.cc. FAR Clauses 52.232-33 Payment By Electronic Funds Transfer—System for Award Management and 52.232-36 Payment By Third Party**, have been updated to (July 2013) in accordance with Item III of FAC 2005-67. In addition, the title of FAR Clause 232-33 has been changed from Payment By Electronic Funds Transfer—Central Contractor Registration.
  14. **Item 432, Page 220, Article I.3.34. FAR Clause 52.219-25 Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting**, has been updated to (July 2013) in accordance with Item III of FAC 2005-67.
  15. **Item 435, Page 221, Article I.3.37. FAR Clause 52.219-28 Post-Award Small Business Program Rerepresentation**, has been updated to (July 2013) in accordance with FAC 2005-67.
  16. **Item 436, Page 221, Article I.3.38. FAR Clause 52.219-29 Notice of Set-Aside for Economically Disadvantaged Women-Owned Small Business Concerns**, has been updated to (July 2013) in accordance with FAC 2005-67.

17. **Item 437, Page 221, Article I.3.39. 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 (July 2013) in accordance with FAC 2005-67.
18. **NEW ITEM 456, Page 225, Article I.3.58. FAR Clause 52.225-26 Contractors Performing Private Security Functions Outside the United States (July 2013)**, has been added, in accordance with Item I of FAC 2005-67 for use in contracts for services of delivery of supplies in an area of combat operations or other significant military operation. See FAR 25.225-26 for additional information.
19. **Item 488, Page 232, Article I.3.91. FAR Clause 52.232-36 Payment by Third Party**, has been updated to (July 2013) in accordance with FAC 2005-67.
20. **Item 539, Page 241, Article I.4.a.1. FAR Clause 52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters**, has been updated to (July 2013); and Subparagraph a. has been revised to remove Central Contractor Registration and insert System for Award Management in its place, in accordance with Item III of FAC 2005-67.
21. **Item 588, Page 299, Section K. Representations, Certifications and Other Statements of Offerors No.1.**, is revised to remove Online Representations and Certifications Application (ORCA) and replace with System for Award Management (SAM).
22. **Item 660, Page 350, Section L.2.a.26.E.4. Loss and/or Disclosure of Personally Identifiable Information (PII)-Notification of Data Breach (PRESCRIPTION ONLY)**, is revised to correct link to the NIH Incident Response 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.)

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

- **Part 1, Pages 1-4, Annual Representations and Certifications, FAR 52.204-8**, has been updated to (July 2013) and revised to:
  - Correctly identify FAR 52.204-7, System for Award Management as a provision, rather than a clause in subparagraphs (b)(1), (b)(2), and (c)(1)(iii) in accordance with Item XI of FAC 2005-67.
  - Update Paragraphs (b)(1) and (c)(1)(iii) to change the title of FAR Provision 52.204-7 to **System for Award Management** in accordance with Item III of FAC 2005-67.
  - Update Paragraph (b)(2) to remove references to the CCR and ORCA and replace with System for Award Management and SAM in accordance with Item III of FAC 2005-67.

- Update paragraph(c)(1) to remove ORCA and replace with SAM, in accordance with Item III of FAC 2005-67.
- Update paragraph(d) to reference SAM and the SAM website as required. All references to Online Representation and Certifications Application and ORCA have been removed.
- **Part 2, Pages 5-6, Information Regarding Responsibility Matters, FAR Provision 52.209-7**, has been updated to (July 2013) and subparagraph (d) has been revised to remove Central Contractor Registration and replace with System for Award Management in accordance with Item III of FAC 2005-67.

## EXPLANATION OF CHANGES MADE TO THE INDIVIDUAL 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 SAM. All other offerors/contractors will access these provisions when they complete their annual Online Representations & Certifications at [www.acquisition.gov](http://www.acquisition.gov).*

- FAR Provision **52.209-7 Information Regarding Responsibility Matters**, has been updated to (July 2013) and revised to remove the reference to Central Contractor Registration and replace with System for Award Management in subparagraph (d), in accordance with Item III of FAC 2005-67.

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

- FAR Clause **52.212-1, Instructions to Offerors-Commercial Items**, has been updated to (July 2013) to:
  - Update subparagraphs (j) and (k) to remove all references to the Central Contractor Registration (CCR) and replace with System for Award Management (SAM), in accordance with Item III of FAC 2005-67.
- FAR Clause **52.212-3, Offeror Representations and Certifications—Commercial Items**, has been updated to (August 2013) to:
  - Correct SAM website in the introductory paragraph to reflect: <http://www.acquisition.gov>, in accordance with Item II of FAC 2005-69.
  - Remove all references to Online Representations and Certifications Application (ORCA) and Central Contractor Registration (CCR) and replace with System for Award Management (SAM), in accordance with Item III of FAC 2005-67.
  - Revise Addenda Item 2. to update FAR Clause 52.204-6 Data Universal Numbering System (DUNS) Number, to (July 2013) and remove the reference to CCR and replace with System for Award Management, in accordance with Item III of FAC 2005-67.
- FAR Clause **52.212-4, Contract Terms and Conditions-Commercial Items**, has been updated to (July 2013) to:



- Update subparagraph (g)(x)(B) to change the title of the FAR Clause **52.232-33** to **Payment By Electronic Funds Transfer-System for Award Management** and FAR Clause **52.232-35** to **Payment By Electronic Funds Transfer-Other Than System for Award Management** in accordance with Item III of FAC 2005-67.
- Update paragraph (s) Order of Precedence, to include unauthorized obligations, in accordance with Item V of FAC 2005-67.
- Update subparagraphs (t)(1),(2) and (3), to remove all references to Central Contractor Registration (CCR) and replace with System for Award Management (SAM), in accordance with Item III of FAC 2005-67.
- Add NEW paragraph (u) Unauthorized Obligations, in accordance with Item V of FAC 2005-67.
- FAR Clause **52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items**, has been updated to (August 2013) to:
  - Update subparagraphs (b)(4),(7),(14), (15), (20), (23), (24), (25), (49), (50), (e)(1)(ii), Alternate II and subparagraph (e)(1)(ii)(C) of Alternate II, to update the FAR clauses to (July 2013), in accordance with Item III of FAC 2005-67.
  - Update subparagraph (b)(6), to (August 2013), in accordance with Item VII of FAC 2005-69.
  - **Add NEW** subparagraphs (b)(43) and (e)(1)(xiii) FAR Clause **52.225-26, Contractors Performing Private Security Functions Outside the United States** (July 2013), in accordance with Item I of FAC 2005-67.
  - Update subparagraph (b)(48) to change the title of FAR Clause **52.232-33 Payment by Electronic Funds Transfer-System for Award Management** and update to (July 2013), in accordance with Item III of FAC 2005-67.

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