



This LISTSERV is maintained by the Office of Acquisition and Logistics Management (OALM).

To Unsubscribe or to review the archive messages click <http://list.nih.gov/archives/nih1102-l.html>.

The workforms have been updated to incorporate the changes required by FAC 2005-74, 77, 78 and 79. This update also fixes various broken links and other housekeeping changes. The updated files are dated 12/31/2014 and can be found on the NIH OAMP Internet at <http://oamp.od.nih.gov/DGS/DGS-workform-information/handbook-files>. The Document Generation System (DGS) can be accessed at: <http://oamp.od.nih.gov/DGS>. FAR Clause 52.213-4, Terms and Conditions-Simplified Acquisitions (Other Than Commercial Items) (December 2014), is updated to through FAC 2005-79 and is located at: <http://oamp.od.nih.gov/DGS/additional-workform-information/simplified-acquisition-clauses-attachments>.

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/sites/default/files/DGS/contracting-forms/sectionk_508.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/reference-material-prospective-offerors-and-contractors/contracting-forms>) 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/additional-workform-information/commercial-item-provisions-clauses>

EXPLANATION OF CHANGES MADE TO THE CONTRACT:

- 1. OLD Item 76 (NIAID OA), Page 40, Article B.14.s. Advanced Copies of Press Releases**, is hereby deleted. *Note:* Similar language is added to H.57. Publications and Publicity.
- 2. Item 115, Page 46, Article C.2.a.5. Annual Technical Progress Report for Clinical Research Study Populations**, is revised to update information regarding Phase III clinical trials.
- 3. Item 296 (NIAID OA), Page 154, Article H.57. Publications and Publicity**, is revised to add a sub

item "Advanced Copies of Press Releases."

4. **Items 378-394, Pages 210-259, Article I.1 General Clause Listings** are revised in accordance with Item I of FAC 2005-77 as follows:
 - FAR Clause **52.219-8 Utilization of Small Business Concerns**, is updated to (October 2014).
 - FAR Clause **52.219-9 Small Business Subcontracting Plan**, is updated to (October 2014).
 - FAR Clause **52.244-6 Subcontracts for Commercial Items**, is updated to (October 2014).
5. **Item 403, Page 263, Article I.2.g. FAR Clauses 52.215-23 Limitations on Pass-Through Charges**, is updated PRESCRIPTION only to clarify conditions for using this clause.
6. **Items 411 & 412, Page 264, Article I.2.o. & p. FAR Clause 52.219-9 Small Business Subcontracting Plan**, are updated to (October 2014), in accordance with Item I of FAC 2005-77. *Note:* The prescription for I.2.o. is updated to clarify conditions for using this clause.
7. **Item 413, Page 264, Article I.2.q. FAR Clause 52.219-9 Small Business Subcontracting Plan and Alternate III**, are updated to (October 2014), in accordance with Item I of FAC 2005-77.
8. **Item 421 Page 266, Article I.2.y. clause for SBIR Phase I contracts** is updated to (October 2014) as follows in accordance with Item I of FAC 2005-77:
 - **FAR Clause 52.219-8 Utilization of Small Business Concerns**
-
9. **NEW Item 464, Page 275, Article I.3.7. FAR Clause 52.204-18 Commercial and Government Entity Code Maintenance** (November 2014), is added, in accordance with Item I of FAC 2005-74.
-
10. **Item 472, Page 276, Article I.3.14 FAR Clause 52.209-10 Prohibition on Contracting with Inverted Domestic Corporations**, is updated to (December 2014), in accordance with Item II of FAC 2005-79.
-
11. **Items 488 & 489, Page 280, Article I.3.31. & 32. FAR Clause 52.219-4 Notice of Price Evaluation Preference for HUBzone Small Business Concerns**, are updated to (October 2014), in accordance with Item I of FAC 2005-77.
12. **OLD Items 493 & 494, Page 306, Article I.3.36. and 37. FAR Clauses 52.219-25 Small Disadvantaged Business Participation Program-Disadvantaged Status and Reporting and 52.219-26 Small Disadvantaged Business Participation Program—Incentive Subcontracting**, are deleted, in accordance with Item I of FAC 2005-77.
13. **Item 542, Page 291, Article I.3.86. FAR Clause 52.228-14 Irrevocable Letter of Credit**, is updated to (November 2014), in accordance with Item II of FAC 2005-77.
14. **Item 587, Page 299, Article I.3.b.4 HHSAR Clause 352.231-70 Salary Rate Limitation**, is updated PRESCRIPTION ONLY to include FY 2015 information, in accordance with P.L. 113-235, effective, January 11, 2015.
15. **OLD Item 613, Page 324, Article I.4.9. 52.222-99 Establishing Minimum Wage for Contractors (Deviation)(July 2014)**, is deleted in accordance with Item I FAC 2005-79. *Note: FAR 52.222-55 Minimum Wages Under Executive Order 13658 is added to replace this item.*

16. **NEW Items 633 & 634, Pages 346-363, Article I.4.b.2. and 3. HHSAR Clauses 352.227-11 Patent Rights—Exceptional Circumstances (September 2014) and 352-227-14 Rights in Data—Exceptional Circumstances (September 2014)**, are added, in accordance with the IAW HHSAR Final Rule, dated August 19, 2014.
17. **NEW Item 651, Page 369, Article I.6.g. FAR 52.222-55 Minimum Wages Under Executive Order 13658 (December 2014)**, is added in accordance with Item I of FAC 2005-79.
18. **Item 673, Page 372, Section J.19. Report of Government Owned, Contractor Held Property**, is updated to (October 2014).
19. **Item 684, Page 374, Section K.1. FAR Clause 52.204-19 Incorporation by Reference of Representations and Certifications (December 2014)**, is added in accordance with Item I of FAC 2005-78.

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 70, Page 37, Article C.2.a.3. Annual Technical Progress Report for Clinical Research Study Populations**, is revised to update information regarding Phase III clinical trials.
2. **Item 228 (NIAID OA), Page 144, Article H.55. Publications and Publicity**, is revised to add a sub item “Advanced Copies of Press Releases.”
3. **Item 336, Page 205, Article I.2.g. FAR Clauses 52.215-23 Limitations on Pass-Through Charges**, is updated PRESCRIPTION only to clarify conditions for using this clause.
4. **Items 339 & 340, Pages 205 & 206, Article I.2.j. & k. FAR Clause 52.219-9 Small Business Subcontracting Plan**, are updated to (October 2014), in accordance with Item I of FAC 2005-77. *Note:* The prescription for I.2.j. is updated to clarify conditions for using this clause.
5. **Item 341, Page 206, Article I.2.l. FAR Clause 52.219-9 Small Business Subcontracting Plan and Alternate III**, are updated to (October 2014), in accordance with Item I of FAC 2005-77.
6. **Item 349, Page 208, Article I.2.t. clauses for SBIR Phase I contracts** is updated to (October 2014) as follows in accordance with Item I of FAC 2005-77;
 - **FAR Clause 52.219-8 Utilization of Small Business Concerns**
7. **NEW Item 391, Page 218, Article I.3.9. FAR Clause 52.204-18 Commercial and Government Entity Code Maintenance** (November 2014), is added, in accordance with Item I of FAC 2005-74.
8. **Item 399, Page 219, Article I.3.15. FAR Clause 52.209-10 Prohibition on Contracting with Inverted**

Domestic Corporations, is updated to (December 2014), in accordance with Item II of FAC 2005-79.

9. **Items 414 & 415, Page 222, Article I.3.29. & 30. FAR Clause 52.219-4 Notice of Price Evaluation Preference for HUBzone Small Business Concerns**, are updated to (October 2014), in accordance with Item I of FAC 2005-77.
10. **OLD Items 418 & 419, Page 220, Article I.3.35. & 36. FAR Clauses 52.219-25 and 52.219-26**, are deleted in accordance with Item I of FAC 2005-77.
11. **Item 467, Page 235, Article I.3.83. FAR Clause 52.228-14 Irrevocable Letter of Credit**, is updated to (November 2014), in accordance with Item II of FAC 2005-77.
12. **Item 510, Page 242, Article I.3.b.4 HHSAR Clause 352.231-70 Salary Rate Limitation**, is updated PRESCRIPTION ONLY to include FY 2015 information, in accordance with P.L. 113-235, effective, January 11, 2015.
13. **OLD Item 535, Page 258, Article I.4.9. 52.222-99 Establishing Minimum Wage for Contractors (Deviation)(July 2014)**, is deleted in accordance with Item I FAC 2005-79. *Note: FAR 52.222-55 Minimum Wages Under Executive Order 13658 is added to replace this item.*
14. **NEW Items 556 & 557, Pages 289-306, Article I.4.b.2. and 3. HHSAR Clauses 352.227-11 Patent Rights—Exceptional Circumstances (September 2014) and 352-227-14 Rights in Data—Exceptional Circumstances (September 2014)**, are added, in accordance with the IAW HHSAR Final Rule, dated August 19, 2014.
15. **NEW Item 573, Page 311, Article I.6.g. FAR 52.222-55 Minimum Wages Under Executive Order 13658 (December 2014)**, is added in accordance with Item I of FAC 2005-79.
16. **Items 567.2 & 576.4, Pages 315 & 320, Section J. Attachment 11 Planned Enrollment Report, PHS 398/2590 and Attachment 34 Cumulative Inclusion Enrollment Report**, are revised Prescription Only to clarify use of these attachments.
17. **Item 579, Page 323, Section K.3. FAR Clause 52.204-19 Incorporation by Reference of Representations and Certifications (December 2014)**, is added in accordance with Item I of FAC 2005-78.
18. **Items 655 & 656, Page 380, Section L.2.a.28.a.&b. FAR 52.204-6 Data Universal Numbering System and 52.204-7 System for Award Management**, are updated to correct the date of the provisions to (July 2013).
19. **OLD Item 724, Page 412, Section L.2.c.12. Extent of Small Disadvantaged Business Participation**, is deleted in accordance with Item I of FAC 2005-77.
20. **Items 752 & 753, Page 453 & 454, Section M.2. & 3. General**, are revised to remove the reference to the Small Disadvantaged Business (SDB) participation, in accordance with Item I of FAC 2005-77.
21. **OLD Items 775 & 776, Page 442, Section M.20. & 21. Extent of Small Disadvantaged Business Participation**, are deleted in accordance with Item I of FAC 2005-77.

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**, is updated to (December 2014) and revised to:
 - Update paragraph (c)(1)(v) FAR Provision 52.209-2, in accordance with Item II of FAC 2005-79.
 - Update paragraph (c)(1)(xxi) by deleting subparagraphs (A) and (B), in accordance with Item V of FAC 2005-78.
 - Update paragraphs (c)(2)(i) by adding FAR Provision **52.204-17 Ownership or Control of Offeror** and renumbered paragraphs accordingly, in accordance with Item I of FAC 2005-74.
 - NEW paragraph 2. FAR Provision **52.204-16 Commercial and Government Entity Code Reporting** (November 2014), is added, in accordance with Item I of FAC 2005-74.

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.*

- FAR Provision **52.204-5 Women-Owned Business (Other Than Small Business)**, is updated to (October 2014), in accordance with Item I of FAC 2005-77.
- FAR Provision **52.219-1 Small Business Program Representation**, is updated to (October 2014), in accordance with Item I of FAC 2005-77.
- FAR Provision **52.226-2 Historically Black College or University and Minority Institution Representation**, is updated to (October 2014), in accordance with Item I of FAC 2005-77.

EXPLANATION OF CHANGES MADE TO THE COMMERCIAL ITEMS CLAUSES:

- FAR Clause **52.212-2, Evaluation-Commercial Items**, has been updated to (October 2014) to:
 - Update paragraph (a), in accordance with Item II of FAC 2005-77.
- FAR Clause **52.212-3, Offeror Representations and Certifications—Commercial Items**, is updated to (December 2014). The following changes are in accordance with Item I of FAC 2005-74, Item I of FAC 2005-77 and Item II of FAC 2005-79:
 - Update paragraph (a) to add definition for **Small disadvantaged business concern** and revise definition of **Inverted domestic corporation**.
 - Update subparagraph (c)(4) **Small disadvantaged business concern**.
 - Delete paragraph (c)(10) and subparagraphs.
 - Revise paragraph (n) Prohibition of Contracting with Inverted Domestic Corporations.
 - Revise Alternate I to (October 2014) and delete Alternate II.

- FAR Clause **52.212-4, Contract Terms and Conditions-Commercial Items**, is updated to (December 2014), in accordance with Item I of FAC 2005-78.
 - Add new paragraph (v) *Incorporation by reference*.
- FAR Clause **52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items**, has been updated to (December 2014). The following changes are in accordance with Item I of FAC 2005-77, and Items I and II of FAC 2005-79 to:
 - Add new paragraph (a)(1) **FAR 52.209-10 Prohibition on Contracting with Inverted Domestic Corporations** (Dec 2014).
 - Delete subparagraph (b)(10) and renumber accordingly.
 - Update subparagraphs (b)(10), (11), (15), and (16).
 - Delete subparagraphs (b)(21-23) and renumbering accordingly.
 - Add new subparagraph (c)(10) **FAR 52.222-55 Minimum Wages Under Executive Order 13658** (December 2014).
 - Revise subparagraphs (e)(1)(ii) and Alternate II (e)(1)(ii)(C) to **FAR 52.219-8 Small Business Concerns** to (October 2014).
 - Add new subparagraphs (e)(1)(xvii) and Alternate II (e)(1)(ii)(O) **FAR 52.222-55 Minimum Wages Under Executive Order 13658** (December 2014).

Andrea L. Spinelli

Procurement Analyst

Office of Acquisition Management and Policy, NIH

6100 Executive Blvd./Room 6E01Q

Phone: 301-451-9845

FAX: 301-480-2506

e-mail: spinella@mail.nih.gov