

**From:** Spinelli, Andrea (NIH/OD) [E]

**Sent:** Monday, February 11, 2013 8:15 AM

**To:** List NIH1102-L

**Cc:** Gamble, Karen (NIH/OD) [E]; Dillon, Raymond (NIH/OD) [E]; Adamik, Mary (NIH/OD) [E]; Singleton, Dennis (NIH/OD) [C]

**Subject:** Workform Update

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The workforms have been updated to incorporate the changes required by FAC 2005-62, effective December 20, 2012, FAC 2005-63, effective December 10, 2012, FAC 2005-64, effective January 18, 2013; OALM Communication 13-15, titled "Accelerated Payments to ALL Contractors and Vendors", disseminated January 2013; current Small Business Subcontracting Goals; USDA's online reporting solution for Biobased Products; and, other housekeeping changes. The updated files are dated 2/05/2013 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>

## **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. Item 238, Page 108,** Article G.13. Providing Accelerated Payment to Small Business Subcontractors, has been revised in accordance with OALM Communication 13-15, dated January 31, 2013 and OMB Memorandum M-12-16, Providing Prompt Payment to Small Business Subcontractors, dated July, 11, 2012.
- 2. Items 402-418 , Page(s) 212-263 ,** Article I.1 General Clauses, has been revised to add FAR Clause 52.204-13, Central Contractor Registration Maintenance (December 2012). It replaces FAR 52.204-7 Central Contractor Registration which is now a provision, in accordance with Item I of FAC 2005-62.

3. **Item 421, Page 264** , Article I.2.a. is revised to remove the FAR Provision 52.204-7 Central Contractor Registration in the first paragraph. This first paragraph has been revised to delete FAR Clause 52.204-13 Central Contractor Registration Maintenance, and substitute FAR Clause 52.204-12, Data Universal Numbering System Number Maintenance, in accordance with Item I of FAC 2005-62.
4. **Item 531, Page 286**, Article I.3.a.52. FAR Clause 52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts, has been revised to add a NOTE to advise the Contractor of the USDA's new on-line reporting tool for the reporting of biobased products as identified in HHS's December 21, 2012 E-mail entitled, "On behalf of the HHS Senior Procurement Executive – FAR 52.223-2-Affirmative Procurement of Biobased Products Under Service and Construction Contracts. This note also requires Contractors to notify the Contracting Officer of report submission.
5. **Item 663, Page 345**, Article I.6.a. Nondisplacement of Qualified Workers, has been added in accordance with FAC 2005-64.

**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 184, Page 99, Article G.13. Providing Accelerated Payment to Small Business Subcontractors**, has been revised in accordance with OALM Communication 13-15, dated January 31, 2013 and OMB Memorandum M-12-16, Providing Prompt Payment to Small Business Subcontractors, dated July, 11, 2012.
2. **Item 355, Page 221, Article I.2.a.** is revised to remove the FAR Provision 52.204-7 Central Contractor Registration in the first paragraph. This first paragraph has been revised to delete FAR Clause 52.204-13 Central Contractor Registration Maintenance and substitute FAR Clause 52.204-12, Data Universal Numbering System Number Maintenance, in accordance with Item I of FAC 2005-62.
3. **Item 458, Page 232, Article I.3.a.51. FAR Clause 52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts**, has been revised to add a NOTE to advise the Contractor of the USDA's new on-line reporting tool for the reporting of biobased products as identified in HHS's December 21, 2012 E-mail entitled, "On behalf of the HHS Senior Procurement Executive – FAR 52.223-2-Affirmative Procurement of Biobased Products Under Service and Construction Contracts. This note also requires Contractors to notify the Contracting Officer of report submission.
4. **Item 586, Page 292, Article I.6.a. Nondisplacement of Qualified Workers**, has been added in accordance with FAC 2005-64.
5. **Item 661, Page 345, Article L.2.a.26.a. FAR Provision 52.204-7 Central Contractor Registration**, has been updated to (December 2012) and added as a new solicitation provision incorporated by reference. In addition this provision now includes Alternate I (December 2012) for use in solicitations to support unusual and compelling needs, in accordance with FAC 2005-62, Item I.
6. **Item 662, Page 345, Article L.2.a.26.b. FAR Provision 52.204-6 Data Universal Numbering System Number**, has been revised to change the name of the provision, update the provision to December 2012 and revise the prescription to clarify instructions for use.
7. **Item 737, Page 416, Article L.2.c.9. Small Business Subcontracting Goals**, has been updated to include current Small Business Subcontracting Goals.

**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 AND CERTIFICATIONS):**

SECTION K has been revised to incorporate changes required by FAC 2005-63 as follows:

- **PART 1** - FAR Provision 52.204-8 Annual Representations and Certifications, has been updated to December 2012 to revise subparagraph (c)(1)(xx) to change the title and update the provision to December 2012 as follows: FAR Provision 52.225-25, Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran-Representation and Certifications.

#### **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.*

The Individual Representations and Certifications have been revised to incorporate changes required by FAC 2005-63 as follows:

- FAR Provision **52.225-25, Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran-Representation and Certifications**, has been modified to revise the title and update to December 2012.

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

- FAR Clause **52.212-3, Contract Terms and Conditions – Commercial Items**, has been updated to December 2012 to:
  - Revise subparagraph o. in accordance with FAC 2005-63.
- FAR Clause 52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items, has been updated to January 2013 in accordance with FAC 2005-64 as follows:
  - Revise subparagraph (c)(7) to add FAR clause 52.222-17, Nondisplacement of Qualified Workers and renumber FAR clause 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations from (c)(7) to (c)(8).
  - FAR clause 52.237-11, Accepting and Dispensing of \$1 Coin is renumbered from (c)(8) to (c)(9).
  - Revise subparagraph (e)(1)(iii) to remove *Reserved* and add FAR clause 52.222-17, Nondisplacement of Qualified Workers.

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