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**Subject:** Workform Update  
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The workforms have been updated to incorporate the changes required by Items in FAC 2005-70 effective on September 30, 2013; FAC 2005-71 effective November 25, 2013; FAC 2005-72 effective December 31, 2013; "OALM Communication 14-23 Preparing for New Two Way Process", dated December 17, 2013; and the NIH Guide Notice "NOT-OD-13-116: New Program Certifications Required for SBIR and STTR Awards". This update also fixes various broken links and other housekeeping changes. The updated files are dated 2/11/2014 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. COMMERCIAL ITEMS CLAUSES (FAR Clause 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. NEW Item 74, Page 40** [Article B.14.g. SBIR Funding Agreement Certification](#), is added and shall be completed prior to awarding an SBIR contract, in accordance with NIH Guide Notice: "NOT-OD-13-116: New Program Certifications Required for SBIR and STTR Awards."
- 2. NEW Item 141, Page 59** , [Article C.2.c.9. NIH Small Business Innovative Research \(SBIR\) Program Life Cycle Certification](#), is added, in accordance with the NIH Guide Notice: "NOT-OD-13-116: New Program Certifications Required for SBIR and STTR Awards."
- 3. Item 196, Page 86**, [Article G.8.a. Invoice Submission/Contract Financing Request and](#)

Contract Financial Report, has been revised to add paragraph “Central Point of Distribution (CPD)”, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process.”

**Note:** Contracting Officers have option to select receipt of invoices electronically to their e-mail and/or electronically to a designated Central Point of Distribution (CPD) mailbox.

4. **Item 197, Page 86, Article G. 8.a.1.b.3. Invoice Submission/Contract Financing Request and Contract Financial Report (NCI ONLY)**, has been revised to add the designation of the appropriate Central Point of Distribution mailbox to the payment request submission instructions.
5. **Item 199, Page 88, Article G.8.a.2. Invoice Submission/Contract Financing Request and Contract Financial Report**, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
6. **Item 200, Page 90, Article G.8.a.2. Invoice Submission/Contract Financing Request and Contract Financial Report (NCI ONLY)**, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
7. **Item 209, Page 93, Article G.9.c. Letter of Credit Payment Information**, has been revised to add paragraph “Central Point of Distribution (CPD)”, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process.”

**Note:** Contracting Officers have option to select receipt of invoices electronically to their e-mail and/or electronically to a designated Central Point of Distribution (CPD) mailbox.

8. **Item 210, Page 94, Article G.9.c.1. Letter of Credit Payment Information (NCI ONLY)**, has been revised to add the designation of the appropriate Central Point of Distribution mailbox to the payment request submission instructions.
9. **Item 212, Page 97, Article G.9.c.2. Letter of Credit Payment Information**, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
10. **Item 213, Page 98, Article G.9.c.2. Letter of Credit Payment Information (NCI ONLY)**, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.

**11. Item 220, Page 101, Article G.10.a.1. Invoice Submission**, has been revised to add paragraph “Central Point of Distribution (CPD)”, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process.”

**Note:** Contracting Officers have option to select receipt of invoices electronically to their e-mail and/or electronically to a designated Central Point of Distribution (CPD) mailbox.

**12. Item 221, Page 102, Article G.10.a.1. Invoice Submission (NCL ONLY)**, has been revised to add the designation of the appropriate Central Point of Distribution mailbox to the payment request submission instructions.

**13. Item 223, Page 104, Article G.10.a.2. Invoice Submission**, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.

**14. Item 224, Page 105, Article G.10.a.2. Invoice Submission (NCL ONLY)**, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.

**15. Item 229, Page 108, Article G.12. 52.232-40 Providing Accelerated Payment to Small Business Subcontractors (December 2013)**, replaces interim HHSAR clause Providing Accelerated Payment to Small Business Subcontractors, 52.232-99 (Deviation) (August 2013), in accordance with Item I of FAC 2005-71.

**16. Items 393-409, Page 221-267, Article I.1. General Clauses** have been updated as follows:

- FAR Clause 52.202-1 Definitions, is updated to (November 2013), in accordance with Item III of FAC 2005-71.
- **NEW** FAR Clause 52.203-17, Contractor Whistleblower Rights and Requirement to Inform Employees of Whistleblower Rights, is added in accordance with Item I of FAC 2005-70.
- FAR Clause 52.222-19 Child Labor—Cooperation with Authorities and Remedies, is updated to (January 2014), in accordance with Item IV of FAC 2005-72.
- FAR Clause 52.244-6, Subcontracts for Commercial Items, is updated to (December 2013), in accordance with Item I of FAC 2005-71.

**17. Item 432, Page 271, Article I.2.u. FAR Clause 52.225-5 Trade Agreements**, is updated to (November 2013), in accordance with Item II of FAC 2005-71.

**18. NEW Item 481, Page 282, Article I.3.a.9. FAR Clause 52.204-14 Service Contract Reporting Requirements** (January 2014), is added, in accordance with Item I of FAC 2005-72.

- 19. NEW Item 482, Page 282, Article I.3.a.10. FAR Clause 52.204-15 Service Contract Reporting Requirements for Indefinite-Delivery Contracts (January 2014)**, is added, in accordance with Item I of FAC 2005-72.
- 20. Items 632 & 633, Page 324-329 , Article I.4.a.14. and 15. FAR Clause 52.225-11 Buy America Act—Construction Materials Under Trade Agreements**, is updated to (November 2013), and to add Croatia under definition of Designated Country, in accordance with Item II of FAC-2005-71.
- 21. Items 635 & 636, Page 334-340, Article I.4.a.17. and 18. FAR Clause 52.225-23 Required Use of American Iron, Steel, and Manufactured Goods—Buy America Act—Construction Materials Under Trade Agreements**, is updated to (November 2013), and to add Croatia under Designated Country and Recovery Act Designated Country, in accordance with Item II of FAC-2005-71.
- 22. NEW Item 694, Page 363, Section J.28. NIH Small Business Innovative Research (SBIR) Program Funding Agreement Certification**, is added in accordance with NIH Guide Notice: “NOT-OD-13-116: New Program Certifications Required for SBIR and STTR Awards,” dated September 17, 2013.
- 23. NEW Item 695, Page 363, Section J.29. NIH Small Business Innovative Research (SBIR) Program Life Cycle Certification**, NIH Guide Notice: “NOT-OD-13-116: New Program Certifications Required for SBIR and STTR Awards,” dated September 17, 2013.

**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 140, Page 72, Article G.8.a. Invoice Submission/Contract Financing Request and Contract Financial Report**, has been revised to add paragraph “Central Point of Distribution (CPD)”, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process.”

**Note:** Contracting Officers have option to select receipt of invoices electronically to their e-mail and/or electronically to a designated Central Point of Distribution (CPD) mailbox.

- 2. Item 141, Page 73, Article G. 8.a.1.b.3. Invoice Submission/Contract Financing Request and Contract Financial Report (NCI ONLY)**, has been revised to add the designation of the appropriate Central Point of Distribution mailbox to the payment request submission instructions.

3. **Item 143, Page 75**, Article G.8.a.2. Invoice Submission/Contract Financing Request and Contract Financial Report, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
4. **Item 144, Page 76**, Article G.8.a.2. Invoice Submission/Contract Financing Request and Contract Financial Report (NCI ONLY), has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
5. **Item 153, Page 80**, Article G.9.c. Letter of Credit Payment Information, has been revised to add paragraph “Central Point of Distribution (CPD)”, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process.”

**Note:** Contracting Officers have option to select receipt of invoices electronically to their e-mail and/or electronically to a designated Central Point of Distribution (CPD) mailbox.

6. **Item 154, Page 80**, Article G.9.c.1. Letter of Credit Payment Information (NCI ONLY), has been revised to add the designation of the appropriate Central Point of Distribution mailbox to the payment request submission instructions.
7. **Item 156, Page 83**, Article G.9.c.2. Letter of Credit Payment Information, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
8. **Item 157, Page 84**, Article G.9.c.2. Letter of Credit Payment Information (NCI ONLY), has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
9. **Item 164, Page 87**, Article G.10.a.1. Invoice Submission, has been revised to add paragraph “Central Point of Distribution (CPD)”, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process.”

**Note:** Contracting Officers have option to select receipt of invoices electronically to their e-mail and/or electronically to a designated Central Point of Distribution (CPD) mailbox.

10. **Item 165, Page 88**, Article G.10.a.1. Invoice Submission (NCI ONLY), has been revised to add the designation of the appropriate Central Point of Distribution mailbox to the payment request submission instructions.

- 11. Item 167, Page 90, Article G.10.a.2. Invoice Submission**, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
- 12. Item 168, Page 91, Article G.10.a.2. Invoice Submission (NCI ONLY)**, has been revised to remove paragraph b. “Central Point of Distribution,” and restructure accordingly, in accordance with the updated two-way match approval process and “OALM Communication 14-23 Preparing for New Two Way Process”.
- 13. Item 173, Page 95, Article G.12. 52.232-40 Providing Accelerated Payment to Small Business Subcontractors (December 2013)**, replaces interim HHSAR clause Providing Accelerated Payment to Small Business Subcontractors, 52.232-99 (Deviation) (August 2013), in accordance with Item I of FAC 2005-71.
- 14. Item 359, Page 209, Article I.2.u. FAR Clause 52.225-5 Trade Agreements**, is updated to (November 2013), in accordance with Item II of FAC 2005-71.
- 15. NEW Item 407, Page 219, Article I.3.a.9. FAR Clause 52.204-14 Service Contract Reporting Requirements** (January 2014), is added, in accordance with Item I of FAC 2005-72.
- 16. NEW Item 408, Page 219, Article I.3.a.10. FAR Clause 52.204-15 Service Contract Reporting Requirements for Indefinite-Delivery Contracts** (January 2014), is added, in accordance with Item I of FAC 2005-72.
- 17. Items 554 & 555, Page 260-266, Article I.4.a.14. and 15. FAR Clause 52.225-11 Buy America Act—Construction Materials Under Trade Agreements**, is updated to (November 2013), and to add Croatia under definition of Designated Country, in accordance with Item II of FAC-2005-71.
- 18. Items 557 & 558, Page 270-276, Article I.4.a.17. and 18. FAR Clause 52.225-23 Required Use of American Iron, Steel, and Manufactured Goods—Buy America Act—Construction Materials Under Trade Agreements**, is updated to (November 2013), and to add Croatia under Designated Country and Recovery Act Designated Country, in accordance with Item II of FAC-2005-71.

**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 (December 2013) and revised to:
  - Revise subparagraphs 1.(c)(1)(xvii)(C) and (D) to change the acquisition value from \$77,494 to \$79,507, in accordance with Item IV of FAC 2005-72.

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

- FAR Clause **52.212-3, Offeror Representations and Certifications – Commercial Items**, has been updated to (November 2013) to:
  - Revise subparagraph (g)(5)(i), to correct the location of the list of non-U.S. products from (g)(4)(ii) to (g)(5)(ii), in accordance with Item III of FAC 2005-71.
- FAR Clause **52.212-4, Contract Terms and Conditions – Commercial Items**, has been updated to (September 2013) to:
  - Revise subparagraph (r), to remove “41 U.S.C. 265” and adding 41 U.S.C. 4712 in its place, in accordance with Item I of FAC 2005-70.
- FAR Clause **52.212-5, Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items**, has been updated to (January 2014) to:
  - Add subparagraph (b)(6), 52.204-14, Service Contract Reporting Requirements (January 2014), in accordance with Item I of FAC 2005-72.
  - Add subparagraph (b)(7), 52.204-15, Service Contract Reporting Requirements for Indefinite-Delivery Contracts (January 2014), in accordance with Item I of FAC 2005-72.
  - Revise subparagraph (b)(29), to update the FAR clause at 52.222-19 to (January 2014), in accordance with Item IV of FAC 2005-72.
  - Revise subparagraph (b)(36), to update the FAR clause at 52.222-54 to (August 2013), in accordance with Item III of FAC 2005-71.
  - Revise subparagraph (b)(43), to update the FAR clause at 52.225-5 to (November 2013), in accordance with Item II of FAC 2005-71.
  - Revise subparagraph (e)(1)(xii), to update the FAR clause at 52.222-54 to (August 2013), in accordance with Item III of FAC 2005-71.
  - Revise Alternate II to (November 2013) and subparagraph (e)(1)(ii)(L), to update the FAR clause 52.222-54 to (August 2013), in accordance with Item III of FAC 2005-71.

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