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Subject: Workform Update
Date: Thursday, October 17, 2013 2:50:16 PM

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The workforms have been updated to incorporate the changes required by Items in FAC 2005-69 effective on September 3, 2013; HHS Acquisition Alert 2013-01, "Guidance Regarding Funding of Contracts for Services Exceeding One Year of Performance Using Annual Appropriations," dated July, 19, 2013; and HHS memorandum "Extension to Class Deviation-Providing Accelerated Payment to Small Business Subcontractors," dated August 16, 2013. This update also fixes various broken links and other housekeeping changes. The updated files are dated 10/17/2013 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. 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

EXPLANATION OF CHANGES MADE TO THE CONTRACT:

- 1. Item 23, Page 17, Article B.8. Estimated Cost-Incrementally Funded Contract, HHSAR 352.232-71**, is updated to (July 2013), in accordance with HHS Acquisition Alert 2013-01, "Guidance Regarding Funding of Contracts for Services Exceeding One Year of Performance Using Annual Appropriations," dated July, 19, 2013.
- 2. OLD Item 57, Article B.14. Fixed Price-Incrementally Funded Contract, [HHSAR Clause 352.232-72, Limitation of Government's Obligation (June 2010)]**, is deleted, in accordance with the HHS Acquisition Alert 2013-01, "Guidance Regarding Funding of Contracts for

Services Exceeding One Year of Performance Using Annual Appropriations,” dated July, 19, 2013. Per this policy, incremental funding may not be used for fixed-price contracts. See this policy for more details.

- 3. NEW Item 126, Page 52, Article C.2.c.3. Report of USDA-Designated Biobased Products**, is added to provide instructions for reporting USDA-Designated biobased products, as required by FAR clause 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts in accordance with Item VI of FAC 2005-69.
- 4. Item 227, Page 104, Article G.12. 52.232-99 Providing Accelerated Payment to Small Business Subcontractors (DEVIATION) (August 2013)**, is added to replace the current article, in accordance with the HHS memorandum “Extension to Class Deviation-Providing Accelerated Payment to Small Business Subcontractors,” dated August 16, 2013.
- 5. Item 230, Page 105, Article G.14.a. Government Property**, is revised to change the name of the Division of Personal Property Service, NIH to the Division of Logistic Service, NIH, Property Management Branch and update the corresponding contact information.
- 6. Item 278, Page 127, Article H.35. Option Provision**, is revised to remove all references to ARTICLE I.3 and replace with SECTION I to reflect the location of FAR Clauses included in this Article.
- 7. Item 430, Page 272, Article I.2.u. FAR Clause 52.225-5 Trade Agreements**, is updated to (September 2013), in accordance with Item V of FAC 2005-69.
- 8. Item 517, Page 292, Article I.3.a.47. FAR Clause 52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts**, is updated to (September 2013), in accordance with Item VI of FAC 2005-69. Note: Information regarding Contractor reporting requirements under this clause is now included as a separate deliverable under SECTION C. (See Item 3. Above)
- 9. Items 628 & 629, Page 326-331, Article I.4.a.14. and 15. FAR Clause 52.225-11 Buy America Act—Construction Materials Under Trade Agreements**, is updated to (September 2013), in accordance with Item V of FAC-2005-69.
- 10. Items 631 & 632, Page 336-343, 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 (September 2013), in accordance with Item V of FAC-2005-69.

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 25, Page 19, Article B.9. Estimated Cost-Incrementally Funded Contract, HHSAR 352.232-71**, is updated to (July 2013), in accordance with HHS Acquisition Alert 2013-01, "Guidance Regarding Funding of Contracts for Services Exceeding One Year of Performance Using Annual Appropriations," dated July, 19, 2013.
2. **OLD Item 59 , Article B.14. Fixed Price-Incrementally Funded Contract, (HHSAR Clause 352.232-72, Limitation of Government's Obligation (June 2010))**, is deleted, in accordance with the HHS Acquisition Alert 2013-01, "Guidance Regarding Funding of Contracts for Services Exceeding One Year of Performance Using Annual Appropriations," dated July, 19, 2013. Per this policy, incremental funding may not be used for fixed-price contracts. See this policy for more details.
3. **NEW Item 77, Page 41, Article C.2.c.3. Report of USDA-Designated Biobased Products**, is added to provide instructions for reporting USDA-Designated biobased products, as required by FAR clause 52.223-2, Affirmative Procurement of Biobased Products Under Service and Construction Contracts in accordance with Item VI of FAC 2005-69.
4. **Item 173, Page 91, Article G.12. 52.232-99 Providing Accelerated Payment to Small Business Subcontractors (DEVIATION) (August 2013)**, is added to replace the current article, in accordance with the HHS memorandum "Extension to Class Deviation-Providing Accelerated Payment to Small Business Subcontractors," dated August 16, 2013.
5. **Item 211, Page 108, Article H.33. Option Provision**, is revised to remove all references to ARTICLE I.3 and replace with SECTION I to reflect the location of FAR Clauses included in this Article.
6. **Item 359, Page 205, Article I.2.p. FAR Clause 52.225-5 Trade Agreements**, is updated to (September 2013), in accordance with Item V of FAC 2005-69.
7. **Item 444, Page 223, Article I.3.a.46. FAR Clause 52.223-2 Affirmative Procurement of Biobased Products Under Service and Construction Contracts**, is updated to (September 2013), in accordance with Item VI of FAC 2005-69. Note: Information regarding Contractor reporting requirements under this clause are now included as a separate deliverable under SECTION C. (See Item 3. Above).
8. **Items 552 & 553, Page 256-261, Article I.4.a.14. and 15. FAR Clause 52.225-11 Buy America**

Act—Construction Materials Under Trade Agreements, is updated to (September 2013), in accordance with Item V of FAC-2005-69.

9. **Items 555 & 556, Page 266-272, 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 (September 2013), in accordance with Item V of FAC-2005-69.
10. **Item 742, Page 418, Section L.2.c.16.c. Submission of Electronic Funds Transfer Information with Offer, FAR Clause 52.232-38**, has been updated to (July 2013) in accordance with Item III of FAC 2005-67. This item was inadvertently missed in the last update and is being updated now.
11. **Item 746, Page 421, Article L.2.c.16.f. Incremental Funding, HHSAR 352.232-70**, is updated to (July 2013), in accordance with HHS Acquisition Alert 2013-01, “Guidance Regarding Funding of Contracts for Services Exceeding One Year of Performance Using Annual Appropriations,” dated July, 19, 2013.
12. **OLD ITEM 747, Article L.2.c.16.f. HHSAR 352.232-72 Limitation of Government’s Obligation (June 2010)**, is deleted, in accordance with the HHS Acquisition Alert 2013-01, “Guidance Regarding Funding of Contracts for Services Exceeding One Year of Performance Using Annual Appropriations,” dated July, 19, 2013. Per this policy, incremental funding may not be used for fixed-price contracts. See this policy for more details.

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 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 (September 2013) to:
 - Revise subparagraph (b)(41), to update the FAR clause at 52.225-5 to (September 2013), in accordance with Item V of FAC 2005-69.

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