

FEDERAL ACQUISITION CIRCULAR

January 24, 2011

Number 2005-49

Federal Acquisition Circular (FAC) 2005-49 is issued under the authority of the Secretary of Defense, the Administrator of General Services, and the Administrator for the National Aeronautics and Space Administration.

Unless otherwise specified, all Federal Acquisition Regulation (FAR) and other directive material contained in FAC 2005-49 is effective January 24, 2011.

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FAC 2005-49 LIST OF SUBJECTS

<u>Title</u>	<u>Page</u>
Public Access to the Federal Awardee Performance and Integrity Information System (Interim)	i

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FAC 2005-49 SUMMARY OF ITEM

Federal Acquisition Circular (FAC) 2005-49 amends the Federal Acquisition Regulation (FAR) as specified below:

Public Access to the Federal Awardee Performance and Integrity Information System (FAR Case 2010-016) (Interim)

This interim rule amends the FAR to implement section 3010 of the Supplemental Appropriations Act, 2010 (Pub. L. 111-212), enacted July 29, 2010. Section 3010 requires that the Administrator of the General Services post all information contained in the Federal Awardee Performance and Integrity Information System (FAPIIS), excluding past performance reviews, on a publicly available website.

This interim rule notifies contractors that FAPIIS data, excluding past performance reviews, will be available to the public after a certain date, and creates a new FAR clause to support the posting of information in FAPIIS. Contracting officers are encouraged to the extent feasible to amend existing solicitations in accordance with FAR 1.108(d), in order to include this revised clause in contracts to be awarded on or after the effective date of this rule.

Replacement pages: 1.1-3 and 1.1-4; 9.1-3 and 9.1-4; 12.3-1 and 12.3-2; Part 52 TOC pp. 52-1 and 52-2; 52.2-20.1 and 52.2-20.2; and Matrix pp. 52.3-5 and 52.3-6.

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FAC 2005-49 FILING INSTRUCTIONS

NOTE: The FAR is segmented by subparts. The FAR page numbers reflect FAR subparts. For example, "12.3-1" is page 1 of subpart 12.3.

Remove Pages

1.1-3 and 1.1-4

9.1-3 and 9.1-4

12.3-1 and 12.3-2

Part 52 TOC

pp. 52-1 and 52-2

52.2-20.1 and 52.2-20.2

Matrix

pp. 52.3-5 and 52.3-6

Insert Pages

1.1-3 and 1.1-4

9.1-3 and 9.1-4

12.3-1 and 12.3-2

Part 52 TOC

pp. 52-1 and 52-2

52.2-20.1 and 52.2-20.2

Matrix

pp. 52.3-5 and 52.3-6

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1.104 Applicability.

The FAR applies to all acquisitions as defined in [Part 2](#) of the FAR, except where expressly excluded.

1.105 Issuance.**1.105-1 Publication and code arrangement.**

(a) The FAR is published in—

- (1) The daily issue of the *Federal Register*;
- (2) Cumulated form in the *Code of Federal Regulations* (CFR); and
- (3) A separate loose-leaf edition.

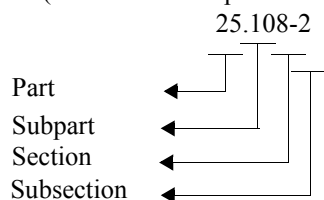
(b) The FAR is issued as Chapter 1 of Title 48, CFR. Subsequent chapters are reserved for agency acquisition regulations that implement or supplement the FAR (see [Subpart 1.3](#)). The CFR Staff will assign chapter numbers to requesting agencies.

(c) Each numbered unit or segment (*e.g.*, part, subpart, section, etc.) of an agency acquisition regulation that is codified in the CFR shall begin with the chapter number. However, the chapter number assigned to the FAR will not be included in the numbered units or segments of the FAR.

1.105-2 Arrangement of regulations.

(a) *General.* The FAR is divided into subchapters, parts (each of which covers a separate aspect of acquisition), subparts, sections, and subsections.

(b) *Numbering.* (1) The numbering system permits the discrete identification of every FAR paragraph. The digits to the left of the decimal point represent the part number. The numbers to the right of the decimal point and to the left of the dash represent, in order, the subpart (one or two digits), and the section (two digits). The number to the right of the dash represents the subsection. Subdivisions may be used at the section and subsection level to identify individual paragraphs. The following example illustrates the make-up of a FAR number citation (note that subchapters are not used with citations):



(2) Subdivisions below the section or subsection level consist of parenthetical alpha numerics using the following sequence:

(a)(1)(i)(A)(I)(i)

(c) *References and citations.* (1) Unless otherwise stated, cross-references indicate parts, subparts, sections, subsections, paragraphs, subparagraphs, or subdivisions of this regulation.

(2) This regulation may be referred to as the Federal Acquisition Regulation or the FAR.

(3) Using the FAR coverage at 9.106-4(d) as a typical illustration, reference to the—

(i) Part would be “FAR Part 9” outside the FAR and “Part 9” within the FAR.

(ii) Subpart would be “FAR Subpart 9.1” outside the FAR and “Subpart 9.1” within the FAR.

(iii) Section would be “FAR 9.106” outside the FAR and “9.106” within the FAR.

(iv) Subsection would be “FAR 9.106-4” outside the FAR and “9.106-4” within the FAR.

(v) Paragraph would be “FAR 9.106-4(d)” outside the FAR and “9.106-4(d)” within the FAR.

(4) Citations of authority (*e.g.*, statutes or Executive orders) in the FAR shall follow the *Federal Register* form guides.

1.105-3 Copies.

Copies of the FAR in *Federal Register*, loose-leaf, CD-ROM, and CFR form may be purchased from the—

Superintendent of Documents
Government Printing Office (GPO)
Washington, DC 20402.

1.106 OMB approval under the Paperwork Reduction Act.

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) imposes a requirement on Federal agencies to obtain approval from the Office of Management and Budget (OMB) before collecting information from 10 or more members of the public. The information collection and recordkeeping requirements contained in this regulation have been approved by the OMB. The following OMB control numbers apply:

FAR segment	OMB Control Number
3.103	9000-0018
3.4	9000-0003
4.102	9000-0033
4.5	9000-0137
4.605	9000-0145
4.607	9000-0145
4.7	9000-0034
4.9	9000-0097
5.405	9000-0036
7.2	9000-0082
8.5	9000-0113
9.1	9000-0011
9.2	9000-0020
14.201	9000-0034
14.202-4	9000-0040
14.202-5	9000-0039
14.205	9000-0037
14.407	9000-0038

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1.106

FEDERAL ACQUISITION REGULATION

FAR segment	OMB Control Number	FAR segment	OMB Control Number
14.5	9000-0041	50	9000-0029
15.2	9000-0037	51.1	9000-0031
15.209	9000-0034	51.2	9000-0032
15.4	9000-0013	52.203-2	9000-0018
15.404-1(f)	9000-0080	52.203-7	9000-0091
14.407-2	9000-0078	52.204-3	9000-0097
15.408	9000-0115	52.204-6	9000-0145
19.7	9000-0006 and	52.204-7	9000-0159
	9000-0007	52.207-3	9000-0114
19.12	9000-0150	52.208-8	9000-0113
22.103	9000-0065	52.208-9	9000-0113
22.8	1215-0072	52.209-1(b)	9000-0020
22.11	9000-0066	52.209-1(c)	9000-0083
22.13	1293-0005 and	52.209-5	9000-0094
	1215-0072	52.209-6	9000-0094
22.14	1215-0072	52.209-7	9000-0174
22.16	1215-0209	52.209-9	9000-0174
23.602	9000-0107	52.211-8	9000-0043
23.9	9000-0139	52.211-9	9000-0043
27.3	9000-0095	52.212-1(k)	9000-0159
27.4	9000-0090	52.212-3	9000-0136
28.1	9000-0045	52.212-4(t)	9000-0159
28.2	9000-0045	52.214-14	9000-0047
29.304	9000-0059	52.214-15	9000-0044
30.6	9000-0129	52.214-16	9000-0044
31.205-46	9000-0079	52.214-21	9000-0039
31.205-46(a)(3)	9000-0088	52.214-26	9000-0034
32	9000-0035	52.214-28	9000-0013
32.000	9000-0138	52.215-2	9000-0034
32.1	9000-0070 and	52.215-1(c)(2)(iv)	9000-0048
	9000-0138	52.215-1(d)	9000-0044
32.2	9000-0138	52.215-6	9000-0047
32.4	9000-0073	52.215-9	9000-0078
32.5	9000-0010 and	52.215-12	9000-0013
	9000-0138	52.215-13	9000-0013
32.7	9000-0074	52.215-14	9000-0080
32.9	9000-0102	52.215-19	9000-0115
32.10	9000-0138	52.215-20	9000-0013
33	9000-0035	52.215-21	9000-0013
34.1	9000-0133	52.216-2	9000-0068
36.213-2	9000-0037	52.216-3	9000-0068
36.603	9000-0157	52.216-4	9000-0068
41.202(c)	9000-0125	52.216-5	9000-0071
42.7	9000-0013	52.216-6	9000-0071
42.12	9000-0076	52.216-7	9000-0069
42.13	9000-0076	52.216-10	9000-0067
45	9000-0075	52.216-15	9000-0069
46	9000-0077	52.216-16	9000-0067
47	9000-0061	52.216-17	9000-0067
47.208	9000-0056	52.219-9	9000-0006 and
48	9000-0027		9000-0007
49	9000-0028		

tem (FAPIS), (available at www.ppirs.gov, then select FAPIS).

(b) The contracting officer shall consider all the information in FAPIS and other past performance information (see subpart [42.15](#)) when making a responsibility determination. For source selection evaluations of past performance, see [15.305\(a\)\(2\)](#). Contracting officers shall use sound judgment in determining the weight and relevance of the information contained in FAPIS and how it relates to the present acquisition. Since FAPIS may contain information on any of the offeror’s previous contracts and information covering a five-year period, some of that information may not be relevant to a determination of present responsibility, *e.g.*, a prior administrative action such as debarment or suspension that has expired or otherwise been resolved, or information relating to contracts for completely different products or services.

(c) If the contracting officer obtains relevant information from FAPIS regarding criminal, civil, or administrative proceedings in connection with the award or performance of a Government contract; terminations for default or cause; determinations of nonresponsibility because the contractor does not have a satisfactory performance record or a satisfactory record of integrity and business ethics; or comparable information relating to a grant, the contracting officer shall, unless the contractor has already been debarred or suspended—

(1) Promptly request such additional information from the offeror as the offeror deems necessary in order to demonstrate the offeror’s responsibility to the contracting officer (but see [9.405](#)); and

(2) Notify, prior to proceeding with award, in accordance with agency procedures (see [9.406-3\(a\)](#) and [9.407-3\(a\)](#)), the agency official responsible for initiating debarment or suspension action, if the information appears appropriate for the official’s consideration.

(d) The contracting officer shall document the contract file for each contract in excess of the simplified acquisition threshold to indicate how the information in FAPIS was considered in any responsibility determination, as well as the action that was taken as a result of the information. A contracting officer who makes a nonresponsibility determination is required to document that information in FAPIS in accordance with [9.105-2](#) (b)(2).

9.104-7 Solicitation provisions and contract clauses.

(a) The contracting officer shall insert the provision at [52.209-5](#), Certification Regarding Responsibility Matters, in solicitations where the contract value is expected to exceed the simplified acquisition threshold.

(b) The contracting officer shall insert the provision at [52.209-7](#), Information Regarding Responsibility Matters, in solicitations where the resultant contract value is expected to exceed \$500,000.

(c)(1) The contracting officer shall insert the clause at [52.209-9](#), Updates of Publicly Available Information Regarding Responsibility Matters—

(i) In solicitations where the resultant contract value is expected to exceed \$500,000; and

(ii) In contracts in which the offeror checked “has” in paragraph (b) of the provision [52.209-7](#).

(2) For solicitations issued prior to April 15, 2011, and resultant contracts, use the clause with its Alternate I.

9.105 Procedures.

9.105-1 Obtaining information.

(a) Before making a determination of responsibility, the contracting officer shall possess or obtain information sufficient to be satisfied that a prospective contractor currently meets the applicable standards in [9.104](#).

(b)(1) Generally, the contracting officer shall obtain information regarding the responsibility of prospective contractors, including requesting preaward surveys when necessary (see [9.106](#)), promptly after a bid opening or receipt of offers. However, in negotiated contracting, especially when research and development is involved, the contracting officer may obtain this information before issuing the request for proposals. Requests for information shall ordinarily be limited to information concerning—

- (i) The low bidder; or
- (ii) Those offerors in range for award.

(2) Preaward surveys shall be managed and conducted by the surveying activity.

(i) If the surveying activity is a contract administration office—

(A) That office shall advise the contracting officer on prospective contractors’ financial competence and credit needs; and

(B) The administrative contracting officer shall obtain from the auditor any information required concerning the adequacy of prospective contractors’ accounting systems and these systems’ suitability for use in administering the proposed type of contract.

(ii) If the surveying activity is not a contract administration office, the contracting officer shall obtain from the auditor any information required concerning prospective contractors’ financial competence and credit needs, the adequacy of their accounting systems, and these systems’ suitability for use in administering the proposed type of contract.

(3) Information on financial resources and performance capability shall be obtained or updated on as current a basis as is feasible up to the date of award.

(c) In making the determination of responsibility, the contracting officer shall consider information in FAPIS (see [9.104-6](#)), including information that is linked to FAPIS such as from the Excluded Parties List System (EPLS) and the Past

Performance Information Retrieval System (PIRS), and any other relevant past performance information (see [9.104-1\(c\)](#) and subpart [Subpart 42.15](#)). In addition, the contracting officer should use the following sources of information to support such determinations:

(1) Records and experience data, including verifiable knowledge of personnel within the contracting office, audit offices, contract administration offices, and other contracting offices.

(2) The prospective contractor-including bid or proposal information (including the certification at [52.209-5](#) or [52.212-3\(h\)](#) (see [9.104-5](#))), questionnaire replies, financial data, information on production equipment, and personnel information.

(3) Commercial sources of supplier information of a type offered to buyers in the private sector.

(4) Preaward survey reports (see [9.106](#)).

(5) Other sources such as publications; suppliers, subcontractors, and customers of the prospective contractor; financial institutions; Government agencies; and business and trade associations.

(d) Contracting offices and cognizant contract administration offices that become aware of circumstances casting doubt on a contractor's ability to perform contracts successfully shall promptly exchange relevant information.

9.105-2 Determinations and documentation.

(a) *Determinations.* (1) The contracting officer's signing of a contract constitutes a determination that the prospective contractor is responsible with respect to that contract. When an offer on which an award would otherwise be made is rejected because the prospective contractor is found to be nonresponsible, the contracting officer shall make, sign, and place in the contract file a determination of nonresponsibility, which shall state the basis for the determination.

(2) If the contracting officer determines that a responsive small business lacks certain elements of responsibility, the contracting officer shall comply with the procedures in [Subpart 19.6](#). When a Certificate of Competency is issued for a small business concern (see [Subpart 19.6](#)), the contracting officer shall accept the Small Business Administration's decision to issue a Certificate of Competency and award the contract to the concern.

(b) *Support documentation.* (1) Documents and reports supporting a determination of responsibility or nonresponsibility, including any preaward survey reports, the use of FAPIIS information (see [9.104-6](#)), and any applicable Certificate of Competency, must be included in the contract file.

(2)(i) The contracting officer shall document the determination of nonresponsibility in FAPIIS (available at www.cpars.csd.disa.mil), then select FAPIIS) if—

(A) The contract is valued at more than the simplified acquisition threshold;

(B) The determination of nonresponsibility is based on lack of satisfactory performance record or satisfactory record of integrity and business ethics; and

(C) The Small Business Administration does not issue a Certificate of Competency.

(ii) The contracting officer is responsible for the timely submission, within 3 working days, and sufficiency of the documentation regarding the nonresponsibility determination.

9.105-3 Disclosure of preaward information.

(a) Except as provided in [Subpart 24.2](#), Freedom of Information Act, information (including the preaward survey report) accumulated for purposes of determining the responsibility of a prospective contractor shall not be released or disclosed outside the Government.

(b) The contracting officer may discuss preaward survey information with the prospective contractor before determining responsibility. After award, the contracting officer or, if it is appropriate, the head of the surveying activity or a designee may discuss the findings of the preaward survey with the company surveyed.

(c) Preaward survey information may contain proprietary or source selection information and should be marked with the appropriate legend and protected accordingly (see [3.104-4](#)).

9.106 Preaward surveys.

9.106-1 Conditions for preaward surveys.

(a) A preaward survey is normally required only when the information on hand or readily available to the contracting officer, including information from commercial sources, is not sufficient to make a determination regarding responsibility. In addition, if the contemplated contract will have a fixed price at or below the simplified acquisition threshold or will involve the acquisition of commercial items (see [Part 12](#)), the contracting officer should not request a preaward survey unless circumstances justify its cost.

(b) When a cognizant contract administration office becomes aware of a prospective award to a contractor about which unfavorable information exists and no preaward survey has been requested, it shall promptly obtain and transmit details to the contracting officer.

(c) Before beginning a preaward survey, the surveying activity shall ascertain whether the prospective contractor is debarred, suspended, or ineligible (see [Subpart 9.4](#)). If the prospective contractor is debarred, suspended, or ineligible, the surveying activity shall advise the contracting officer promptly and not proceed with the preaward survey unless specifically requested to do so by the contracting officer.

Subpart 12.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

12.300 Scope of subpart.

This subpart establishes provisions and clauses to be used when acquiring commercial items.

12.301 Solicitation provisions and contract clauses for the acquisition of commercial items.

(a) In accordance with Section 8002 of Public Law 103-355 ([41 U.S.C. 264](#), note), contracts for the acquisition of commercial items shall, to the maximum extent practicable, include only those clauses—

(1) Required to implement provisions of law or executive orders applicable to the acquisition of commercial items; or

(2) Determined to be consistent with customary commercial practice.

(b) Insert the following provisions in solicitations for the acquisition of commercial items, and clauses in solicitations and contracts for the acquisition of commercial items:

(1) *The provision at [52.212-1](#), Instructions to Offerors—Commercial Items.* This provision provides a single, streamlined set of instructions to be used when soliciting offers for commercial items and is incorporated in the solicitation by reference (see Block 27a, [SF 1449](#)). The contracting officer may tailor these instructions or provide additional instructions tailored to the specific acquisition in accordance with [12.302](#).

(2) *The provision at [52.212-3](#), Offeror Representations and Certifications—Commercial Items.* This provision provides a single, consolidated list of representations and certifications for the acquisition of commercial items and is attached to the solicitation for offerors to complete. This provision may not be tailored except in accordance with [Subpart 1.4](#). Use the provision with its Alternate I in solicitations issued by DoD, NASA, or the Coast Guard. Use the provision with its Alternate II in solicitations for acquisitions for which small disadvantaged business procurement mechanisms are authorized on a regional basis.

(3) *The clause at [52.212-4](#), Contract Terms and Conditions—Commercial Items.* This clause includes terms and conditions which are, to the maximum extent practicable, consistent with customary commercial practices and is incorporated in the solicitation and contract by reference (see Block 27, [SF 1449](#)). Use this clause with its Alternate I when a time-and-materials or labor-hour contract will be awarded. The contracting officer may tailor this clause in accordance with [12.302](#).

(4) *The clause at [52.212-5](#), Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.* This clause incorporates by reference only those clauses required to implement provisions of law or Executive orders applicable to the acquisition of commercial

items. The contracting officer shall attach this clause to the solicitation and contract and, using the appropriate clause prescriptions, indicate which, if any, of the additional clauses cited in [52.212-5](#)(b) or (c) are applicable to the specific acquisition. Some of the clauses require fill-in; the fill-in language should be inserted as directed by [52.104](#)(d). When cost information is obtained pursuant to [Part 15](#) to establish the reasonableness of prices for commercial items, the contracting officer shall insert the clauses prescribed for this purpose in an addendum to the solicitation and contract. This clause may not be tailored.

(i) Use the clause with its Alternate I when the head of the agency has waived the examination of records by the Comptroller General in accordance with [25.1001](#).

(ii)(A) If the acquisition will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5), the contracting officer shall use the clause with its Alternate II.

(B) (1) In the case of a bilateral contract modification that will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the contracting officer shall specify applicability of Alternate II to that modification.

(2) In the case of a task- or delivery-order contract in which not all orders will use funds appropriated or otherwise made available by the American Recovery and Reinvestment Act of 2009, the contracting officer shall specify the task or delivery orders to which Alternate II applies.

(C) The contracting officer may not use Alternate I when Alternate II applies.

(c) When the use of evaluation factors is appropriate, the contracting officer may—

(1) Insert the provision at [52.212-2](#), Evaluation—Commercial Items, in solicitations for commercial items (see [12.602](#)); or

(2) Include a similar provision containing all evaluation factors required by [13.106](#), [Subpart 14.2](#) or [Subpart 15.3](#), as an addendum (see [12.302](#)(d)).

(d) *Other required provisions and clauses.* (1) Notwithstanding prescriptions contained elsewhere in the FAR, when acquiring commercial items, contracting officers shall be required to use only those provisions and clauses prescribed in this part. The provisions and clauses prescribed in this part shall be revised, as necessary, to reflect the applicability of statutes and executive orders to the acquisition of commercial items.

(2) Insert the clause at [52.225-19](#), Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission outside the United States, as prescribed in [25.301-4](#).

(3) Insert the provision at [52.209-7](#), Information Regarding Responsibility Matters, as prescribed in [9.104-7](#)(b).

(4)(i) Insert the clause at [52.209-9](#), Updates of Publicly Available Information Regarding Responsibility Matters, as prescribed in [9.104-7\(c\)](#).

(ii) Use the clause with its Alternate I as prescribed in [9.104-7\(c\)\(2\)](#).

(e) *Discretionary use of FAR provisions and clauses.* The contracting officer may include in solicitations and contracts by addendum other FAR provisions and clauses when their use is consistent with the limitations contained in [12.302](#). For example:

(1) The contracting officer may include appropriate clauses when an indefinite-delivery type of contract will be used. The clauses prescribed at [16.506](#) may be used for this purpose.

(2) The contracting officer may include appropriate provisions and clauses when the use of options is in the Government's interest. The provisions and clauses prescribed in [17.208](#) may be used for this purpose. If the provision at [52.212-2](#) is used, paragraph (b) provides for the evaluation of options.

(3) The contracting officer may use the provisions and clauses contained in [Part 23](#) regarding the use of products containing recovered materials and biobased products when appropriate for the item being acquired.

(4) When setting aside under the Stafford Act ([Subpart 26.2](#)), include the provision at [52.226-3](#), Disaster or Emergency Area Representation, in the solicitation. The representation in this provision is not in the Online Representations and Certifications Application (ORCA) Database.

(f) Agencies may supplement the provisions and clauses prescribed in this part (to require use of additional provisions and clauses) only as necessary to reflect agency unique statutes applicable to the acquisition of commercial items or as may be approved by the agency senior procurement executive, or the individual responsible for representing the agency on the FAR Council, without power of delegation.

12.302 Tailoring of provisions and clauses for the acquisition of commercial items.

(a) *General.* The provisions and clauses established in this subpart are intended to address, to the maximum extent practicable, commercial market practices for a wide range of potential Government acquisitions of commercial items. However, because of the broad range of commercial items acquired by the Government, variations in commercial practices, and the relative volume of the Government's acquisitions in the specific market, contracting officers may, within the limitations of this subpart, and after conducting appropriate market research, tailor the provision at [52.212-1](#), Instructions to Offerors—Commercial Items, and the clause at [52.212-4](#), Contract Terms and Conditions—Commercial Items, to adapt to the market conditions for each acquisition.

(b) *Tailoring 52.212-4, Contract Terms and Conditions—Commercial Items.* The following paragraphs of the clause at

[52.212-4](#), Contract Terms and Conditions—Commercial Items, implement statutory requirements and shall not be tailored—

- (1) Assignments;
- (2) Disputes;
- (3) Payment (except as provided in [Subpart 32.11](#));
- (4) Invoice;
- (5) Other compliances; and
- (6) Compliance with laws unique to Government contracts.

(c) *Tailoring inconsistent with customary commercial practice.* The contracting officer shall not tailor any clause or otherwise include any additional terms or conditions in a solicitation or contract for commercial items in a manner that is inconsistent with customary commercial practice for the item being acquired unless a waiver is approved in accordance with agency procedures. The request for waiver must describe the customary commercial practice found in the marketplace, support the need to include a term or condition that is inconsistent with that practice and include a determination that use of the customary commercial practice is inconsistent with the needs of the Government. A waiver may be requested for an individual or class of contracts for that specific item.

(d) Tailoring shall be by addenda to the solicitation and contract. The contracting officer shall indicate in Block 27a of the [SF 1449](#) if addenda are attached. These addenda may include, for example, a continuation of the schedule of supplies/services to be acquired from blocks 18 through 21 of the [SF 1449](#); a continuation of the description of the supplies/services being acquired; further elaboration of any other item(s) on the [SF 1449](#); any other terms or conditions necessary for the performance of the proposed contract (such as options, ordering procedures for indefinite-delivery type contracts, warranties, contract financing arrangements, etc.).

12.303 Contract format.

Solicitations and contracts for the acquisition of commercial items prepared using this [Part 12](#) shall be assembled, to the maximum extent practicable, using the following format:

- (a) [Standard Form \(SF\) 1449](#);
- (b) Continuation of any block from [SF 1449](#), such as—
 - (1) Block 10 if a price evaluation adjustment for small disadvantaged business concerns is applicable (the contracting officer shall indicate the percentage(s) and applicable line item(s)), if an incentive subcontracting clause is used (the contracting officer shall indicate the applicable percentage), or if set aside for emerging small businesses;
 - (2) Block 18B for remittance address;
 - (3) Block 19 for contract line item numbers;
 - (4) Block 20 for schedule of supplies/services; or
 - (5) Block 25 for accounting data;
- (c) Contract clauses—
 - (1) [52.212-4](#), Contract Terms and Conditions—Commercial Items, by reference (see [SF 1449](#) block 27a);

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

<i>Sec.</i>			
52.000	Scope of part.	52.205	[Reserved]
	Subpart 52.1—Instructions for Using Provisions and Clauses	52.206	[Reserved]
52.100	Scope of subpart.	52.207-1	Notice of Standard Competition.
52.101	Using Part 52.	52.207-2	Notice of Streamlined Competition.
52.102	Incorporating provisions and clauses.	52.207-3	Right of First Refusal of Employment.
52.103	Identification of provisions and clauses.	52.207-4	Economic Purchase Quantity—Supplies.
52.104	Procedures for modifying and completing provisions and clauses.	52.207-5	Option to Purchase Equipment.
52.105	Procedures for using alternates.	52.208-1	[Reserved]
52.106	[Reserved]	52.208-2	[Reserved]
52.107	Provisions and clauses prescribed in Subpart 52.1 .	52.208-3	[Reserved]
	Subpart 52.2—Text of Provisions and Clauses	52.208-4	Vehicle Lease Payments.
52.200	Scope of subpart.	52.208-5	Condition of Leased Vehicles.
52.201	[Reserved]	52.208-6	Marking of Leased Vehicles.
52.202-1	Definitions.	52.208-7	Tagging of Leased Vehicles.
52.203-1	[Reserved]	52.208-8	Required Sources for Helium and Helium Usage Data.
52.203-2	Certificate of Independent Price Determination.	52.208-9	Contractor Use of Mandatory Sources of Supply or Services.
52.203-3	Gratuities.	52.209-1	Qualification Requirements.
52.203-4	[Reserved]	52.209-2	Prohibition on Contracting with Inverted Domestic Corporations-Representation.
52.203-5	Covenant Against Contingent Fees.	52.209-3	First Article Approval—Contractor Testing.
52.203-6	Restrictions on Subcontractor Sales to the Government.	52.209-4	First Article Approval—Government Testing.
52.203-7	Anti-Kickback Procedures.	52.209-5	Certification Regarding Responsibility Matters.
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.	52.209-6	Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.
52.203-9	[Reserved]	52.209-7	Information Regarding Responsibility Matters.
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity.	52.209-8	[Reserved]
52.203-11	Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.	52.209-9	Updates of Publicly Available Information Regarding Responsibility Matters.
52.203-12	Limitation on Payments to Influence Certain Federal Transactions.	52.210	[Reserved]
52.203-13	Contractor Code of Business Ethics and Conduct.	52.211-1	Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.
52.203-14	Display of Hotline Poster(s).	52.211-2	Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST).
52.203-15	Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009.	52.211-3	Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.
52.204-1	Approval of Contract.	52.211-4	Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.
52.204-2	Security Requirements.	52.211-5	Material Requirements.
52.204-3	Taxpayer Identification.	52.211-6	Brand Name or Equal.
52.204-4	Printed or Copied Double-Sided on Recycled Paper.	52.211-7	Alternatives to Government-Unique Standards.
52.204-5	Women-Owned Business (Other Than Small Business).	52.211-8	Time of Delivery.
52.204-6	Data Universal Numbering System (DUNS) Number.	52.211-9	Desired and Required Time of Delivery.
52.204-7	Central Contractor Registration.	52.211-10	Commencement, Prosecution, and Completion of Work.
52.204-8	Annual Representations and Certifications.	52.211-11	Liquidated Damages—Supplies, Services, or Research and Development.
52.204-9	Personal Identity Verification of Contractor Personnel.	52.211-12	Liquidated Damages—Construction.
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards.		
52.204-11	American Recovery and Reinvestment Act—Reporting Requirements.		

- 52.211-13 Time Extensions.
- 52.211-14 Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use.
- 52.211-15 Defense Priority and Allocation Requirements.
- 52.211-16 Variation in Quantity.
- 52.211-17 Delivery of Excess Quantities.
- 52.211-18 Variation in Estimated Quantity.
- 52.212-1 Instructions to Offerors—Commercial Items.
- 52.212-2 Evaluation—Commercial Items.
- 52.212-3 Offeror Representations and Certifications—Commercial Items.
- 52.212-4 Contract Terms and Conditions—Commercial Items.
- 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items.
- 52.213-1 Fast Payment Procedure.
- 52.213-2 Invoices.
- 52.213-3 Notice to Supplier.
- 52.213-4 Terms and Conditions—Simplified Acquisitions (Other Than Commercial Items).
- 52.214-1 [Reserved]
- 52.214-2 [Reserved]
- 52.214-3 Amendments to Invitations for Bids.
- 52.214-4 False Statements in Bids.
- 52.214-5 Submission of Bids.
- 52.214-6 Explanation to Prospective Bidders.
- 52.214-7 Late Submissions, Modifications, and Withdrawals of Bids.
- 52.214-8 [Reserved]
- 52.214-9 [Reserved]
- 52.214-10 Contract Award—Sealed Bidding.
- 52.214-11 [Reserved]
- 52.214-12 Preparation of Bids.
- 52.214-13 Telegraphic Bids.
- 52.214-14 Place of Performance—Sealed Bidding.
- 52.214-15 Period for Acceptance of Bids.
- 52.214-16 Minimum Bid Acceptance Period.
- 52.214-17 [Reserved]
- 52.214-18 Preparation of Bids—Construction.
- 52.214-19 Contract Award—Sealed Bidding—Construction.
- 52.214-20 Bid Samples.
- 52.214-21 Descriptive Literature.
- 52.214-22 Evaluation of Bids for Multiple Awards.
- 52.214-23 Late Submissions, Modifications, Revisions, and Withdrawals of Technical Proposals under Two-Step Sealed Bidding.
- 52.214-24 Multiple Technical Proposals.
- 52.214-25 Step Two of Two-Step Sealed Bidding.
- 52.214-26 Audit and Records—Sealed Bidding.
- 52.214-27 Price Reduction for Defective Certified Cost or Pricing Data—Modifications—Sealed Bidding.
- 52.214-28 Subcontractor Certified Cost or Pricing Data—Modifications—Sealed Bidding.
- 52.214-29 Order of Precedence—Sealed Bidding.
- 52.214-30 [Reserved]
- 52.214-31 Facsimile Bids.
- 52.214-32 [Reserved]
- 52.214-33 [Reserved]
- 52.214-34 Submission of Offers in the English Language.
- 52.214-35 Submission of Offers in U.S. Currency.
- 52.215-1 Instructions to Offerors—Competitive Acquisition.
- 52.215-2 Audit and Records—Negotiation.
- 52.215-3 Request for Information or Solicitation for Planning Purposes.
- 52.215-4 [Reserved]
- 52.215-5 Facsimile Proposals.
- 52.215-6 Place of Performance.
- 52.215-7 [Reserved]
- 52.215-8 Order of Precedence—Uniform Contract Format.
- 52.215-9 Changes or Additions to Make-or-Buy Program.
- 52.215-10 Price Reduction for Defective Certified Cost or Pricing Data.
- 52.215-11 Price Reduction for Defective Certified Cost or Pricing Data—Modifications.
- 52.215-12 Subcontractor Certified Cost or Pricing Data.
- 52.215-13 Subcontractor Certified Cost or Pricing Data—Modifications.
- 52.215-14 Integrity of Unit Prices.
- 52.215-15 Pension Adjustments and Asset Reversions.
- 52.215-16 Facilities Capital Cost of Money.
- 52.215-17 Waiver of Facilities Capital Cost of Money.
- 52.215-18 Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions.
- 52.215-19 Notification of Ownership Changes.
- 52.215-20 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data.
- 52.215-21 Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data—Modifications.
- 52.215-22 Limitations on Pass-Through Charges—Identification of Subcontract Effort.
- 52.215-23 Limitations on Pass-Through Charges.
- 52.216-1 Type of Contract.
- 52.216-2 Economic Price Adjustment—Standard Supplies.
- 52.216-3 Economic Price Adjustment—Semistandard Supplies.
- 52.216-4 Economic Price Adjustment—Labor and Material.
- 52.216-5 Price Redetermination—Prospective.
- 52.216-6 Price Redetermination—Retroactive.
- 52.216-7 Allowable Cost and Payment.
- 52.216-8 Fixed Fee.
- 52.216-9 Fixed Fee—Construction.
- 52.216-10 Incentive Fee.
- 52.216-11 Cost Contract—No Fee.

9.404 for information on the Excluded Parties List System). The notice must include the following:

- (1) The name of the subcontractor.
- (2) The Contractor’s knowledge of the reasons for the subcontractor being in the Excluded Parties List System.
- (3) The compelling reason(s) for doing business with the subcontractor notwithstanding its inclusion in the Excluded Parties List System.

(4) The systems and procedures the Contractor has established to ensure that it is fully protecting the Government’s interests when dealing with such subcontractor in view of the specific basis for the party’s debarment, suspension, or proposed debarment.

(e) *Subcontracts*. Unless this is a contract for the acquisition of commercial items, the Contractor shall include the requirements of this clause, including this paragraph (e) (appropriately modified for the identification of the parties), in each subcontract that—

- (1) Exceeds \$30,000 in value; and
- (2) Is not a subcontract for commercially available off-the-shelf items.

(End of clause)

52.209-7 Information Regarding Responsibility Matters.

As prescribed at 9.104-7(b), insert the following provision:

INFORMATION REGARDING RESPONSIBILITY MATTERS
(JAN 2011)

(a) *Definitions*. As used in this provision—

“Administrative proceeding” means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative Proceedings, Civilian Board of Contract Appeals Proceedings, and Armed Services Board of Contract Appeals Proceedings). This includes administrative proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include agency actions such as contract audits, site visits, corrective plans, or inspection of deliverables.

“Federal contracts and grants with total value greater than \$10,000,000” means—

- (1) The total value of all current, active contracts and grants, including all priced options; and
- (2) The total value of all current, active orders including all priced options under indefinite-delivery, indefinite-quantity, 8(a), or requirements contracts (including task and delivery and multiple-award Schedules).

“Principal” means an officer, director, owner, partner, or a person having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a division or business segment; and similar positions).

(b) The offeror [] has [] does not have current active Federal contracts and grants with total value greater than \$10,000,000.

(c) If the offeror checked “has” in paragraph (b) of this provision, the offeror represents, by submission of this offer, that the information it has entered in the Federal Awardee Performance and Integrity Information System (FAPIS) is current, accurate, and complete as of the date of submission of this offer with regard to the following information:

(1) Whether the offeror, and/or any of its principals, has or has not, within the last five years, in connection with the award to or performance by the offeror of a Federal contract or grant, been the subject of a proceeding, at the Federal or State level that resulted in any of the following dispositions:

- (i) In a criminal proceeding, a conviction.
- (ii) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more.
- (iii) In an administrative proceeding, a finding of fault and liability that results in—

- (A) The payment of a monetary fine or penalty of \$5,000 or more; or
- (B) The payment of a reimbursement, restitution, or damages in excess of \$100,000.

(iv) In a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the Contractor if the proceeding could have led to any of the outcomes specified in paragraphs (c)(1)(i), (c)(1)(ii), or (c)(1)(iii) of this provision.

(2) If the offeror has been involved in the last five years in any of the occurrences listed in (c)(1) of this provision, whether the offeror has provided the requested information with regard to each occurrence.

(d) The offeror shall post the information in paragraphs (c)(1)(i) through (c)(1)(iv) of this provision in FAPIS as required through maintaining an active registration in the Central Contractor Registration database at <http://www.ccr.gov> (see 52.204-7).

(End of provision)

52.209-8 [Reserved]

52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters.

As prescribed at 9.104-7(c), insert the following clause:

UPDATES OF PUBLICLY AVAILABLE INFORMATION REGARDING
RESPONSIBILITY MATTERS (JAN 2011)

(a) The Contractor shall update the information in the Federal Awardee Performance and Integrity Information System (FAPIS) on a semi-annual basis, throughout the life of the contract, by posting the required information in the Central Contractor Registration database at <http://www.ccr.gov>.

(b)(1) The Contractor will receive notification when the Government posts new information to the Contractor's record.

(2) The Contractor will have an opportunity to post comments regarding information that has been posted by the Government. The comments will be retained as long as the associated information is retained, *i.e.*, for a total period of 6 years. Contractor comments will remain a part of the record unless the Contractor revises them.

(3)(i) Public requests for system information posted prior to April 15, 2011, will be handled under Freedom of Information Act procedures, including, where appropriate, procedures promulgated under E.O. 12600.

(ii) As required by section 3010 of Public Law 111-212, all information posted in FAPIIS on or after April 15, 2011, except past performance reviews, will be publicly available.

(End of clause)

Alternate I (Jan 2011). As prescribed in [9.104-7\(c\)\(2\)](#), redesignate paragraph (a) of the basic clause as paragraph (a)(1) and add the following paragraph (a)(2):

(2) At the first semi-annual update on or after April 15, 2011, the Contractor shall post again any required information that the Contractor posted prior to April 15, 2011.

52.210 [Reserved]

52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.

As prescribed in [11.204\(a\)](#), insert the following provision:

AVAILABILITY OF SPECIFICATIONS LISTED IN THE GSA INDEX OF FEDERAL SPECIFICATIONS, STANDARDS AND COMMERCIAL ITEM DESCRIPTIONS, FPMR PART 101-29 (AUG 1998)

(a) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to—

GSA Federal Supply Service
Specifications Section, Suite 8100
470 East L'Enfant Plaza, SW
Washington, DC 20407

Telephone (202) 619-8925
Facsimile (202) 619-8978.

(b) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (a) of this provision. Additional copies will be issued for a fee.

(End of provision)

52.211-2 Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST).

As prescribed in [11.204\(b\)](#), insert the following provision:

AVAILABILITY OF SPECIFICATIONS, STANDARDS, AND DATA ITEM DESCRIPTIONS LISTED IN THE ACQUISITION STREAMLINING AND STANDARDIZATION INFORMATION SYSTEM (ASSIST) (JAN 2006)

(a) Most unclassified Defense specifications and standards may be downloaded from the following ASSIST websites:

- (1) ASSIST (<http://assist.daps.dla.mil>);
- (2) Quick Search (<http://assist.daps.dla.mil/quicksearch>);
- (3) ASSISTdocs.com (<http://assistdocs.com>).

(b) Documents not available from ASSIST may be ordered from the Department of Defense Single Stock Point (DoDSSP) by—

- (1) Using the ASSIST Shopping Wizard (<http://assist.daps.dla.mil/wizard>);
- (2) Phoning the DoDSSP Customer Service Desk (215) 697-2179, Mon-Fri, 0730 to 1600 EST; or
- (3) Ordering from DoDSSP, Building 4, Section D, 700 Robbins Avenue, Philadelphia, PA 19111-5094, Telephone (215) 697-2667/2179, Facsimile (215) 697-1462.

(End of provision)

52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.

As prescribed in [11.204\(c\)](#), insert a provision substantially the same as the following:

AVAILABILITY OF SPECIFICATIONS NOT LISTED IN THE GSA INDEX OF FEDERAL SPECIFICATIONS, STANDARDS AND COMMERCIAL ITEM DESCRIPTIONS (JUNE 1988)

The specifications cited in this solicitation may be obtained from:

PROVISION OR CLAUSE	PRESCRIBED IN	P OR C	IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
52.209-3 First Article Approval—Contractor Testing.	9.308-1(a)(1) and (b)(1)	C	Yes	I	A	O								A					A		A		
Alternate I	9.308-1(a)(2) and (b)(2)	C	Yes	I	A	O								A					A		A		
Alternate II	9.308-2(a)(3) and (b)(3)	C	Yes	I	A	O								A					A		A		
52.209-4 First Article Approval—Government Testing.	9.308-2(a)(1) and (b)(1)	C	Yes	I	A	O								A					A		A		
Alternate I	9.308-2(a)(1) and (b)(2)	C	Yes	I	A	O								A					A		A		
Alternate II	9.308-2(a)(1) and (b)(3)	C	Yes	I	A	O								A					A		A		
52.209-5 Certification Regarding Responsibility Matters.	9.104-7(a)	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.	9.409	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
52.209-7 Information Regarding Responsibility Matters.	9.104-7(b)	P	No	K	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
52.209-9 Updates of Publicly Available Information Regarding Responsibility Matters.	9.104-7(c)(1)	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Alternate I	9.104-7(c)(2)	C	No	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.	11.204(a)	P	No	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
52.211-2 Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST).	11.204(b)	P	No	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.	11.204(c)	P	No	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Index Descriptions.	11.204(d)	P	No	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
52.211-5 Material Requirements.	11.304	C	Yes	I	R	R															A		
52.211-6 Brand Name or Equal.	11.107(a)	P	Yes	L	A	A							A								A		
52.211-7 Alternatives to Government-Unique Standards.	11.107(b)	P	Yes	L	A	A							A								A		

PROVISION OR CLAUSE	PRESCRIBED IN	P OR C	IBR	UCF	FP SUP	CR SUP	FP R&D	CR R&D	FP SVC	CR SVC	FP CON	CR CON	T&M LH	LMV	COM SVC	DDR	A&E	FAC	IND DEL	TRN	SAP	UTL SVC	CI
<u>52.211-8</u> Time of Delivery.	<u>11.404(a)(2)</u>	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate I	<u>11.404(a)(2)</u>	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate II	<u>11.404(a)(2)</u>	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate III	<u>11.404(a)(2)</u>	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
<u>52.211-9</u> Desired and Required Time of Delivery.	<u>11.404(a)(3)</u>	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate I	<u>11.404(a)(3)</u>	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate II	<u>11.404(a)(3)</u>	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
Alternate III	<u>11.404(a)(3)</u>	C	No	F	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O
<u>52.211-10</u> Commencement, Prosecution, and Completion of Work.	<u>11.404(b)</u>	C	Yes								R												
Alternate I	<u>11.404(b)</u>	C	Yes								R												
<u>52.211-11</u> Liquidated Damages—Supplies, Services, or Research and Development.	<u>11.503(a)</u>	C	Yes	F	O		O							O								O	
<u>52.211-12</u> Liquidated Damages—Construction.	<u>11.503(b)</u>	C	Yes								O												
<u>52.211-13</u> Time Extensions.	<u>11.503(c)</u>	C	Yes																				
<u>52.211-14</u> Notice of Priority Rating for National Defense, Emergency Preparedness, and Energy Program Use.	<u>11.604(a)</u>	P	Yes	L	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<u>52.211-15</u> Defense Priority and Allocation Requirements.	<u>11.604(b)</u>	C	Yes	I	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
<u>52.211-16</u> Variation in Quantity.	<u>11.703(a)</u>	C	Yes	F	A				A					A									
<u>52.211-17</u> Delivery of Excess Quantities.	<u>11.703(b)</u>	C	Yes	F	O									O									
<u>52.211-18</u> Variation in Estimated Quantity.	<u>11.703(c)</u>	C	Yes																				
<u>52.212-1</u> Instructions to Offerors—Commercial Items.	<u>12.301(b)(1)</u>	P	Yes	NA	A		A		A		A			A		A	A	A	A	A	A	A	R
<u>52.212-2</u> Evaluation—Commercial Items.	<u>12.301(c)(1)</u>	P	No	NA	O				O					O		O	O	O	O	O	O	O	O
<u>52.212-3</u> Offeror Representations and Certifications—Commercial Items.	<u>12.301(b)(2)</u>	P	No	NA	A		A		A		A			A		A	A	A	A	A	A	A	R
Alternate I	<u>12.301(b)(2)</u>	P	No	NA	A		A		A		A			A		A	A	A	A	A	A	A	A
Alternate II	<u>12.301(b)(2)</u>	P	No	NA	A		A		A		A			A		A	A	A	A	A	A	A	A
<u>52.212-4</u> Contract Terms and Conditions—Commercial Items.	<u>12.301(b)(3)</u>	C	Yes	NA	A		A		A		A			A		A	A	A	A	A	A	A	R
Alternate I	<u>12.301(b)(3)</u>	C	Yes	NA										A									A
<u>52.212-5</u> Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items	<u>12.301(b)(4)</u>	C	No	NA	A		A		A		A			A		A	A	A	A	A	A	A	R
Alternate I	<u>12.301(b)(4)(i)</u>	C	No	NA	A		A		A		A			A		A	A	A	A	A	A	A	R