

# **FEDERAL ACQUISITION CIRCULAR**

September 6, 2007

Number 2005-20

Federal Acquisition Circular (FAC) 2005-20 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 2005-20 is effective September 6, 2007.

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**FAC 2005-20 LIST of SUBJECTS**

| <u>Title</u>   | <u>Page</u> |
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| Federal Funding Accountability and<br>Transparency Act (FFATA)-Reporting<br>Requirement of Subcontractor<br>Award Data (FAR Case 2006-029) | i           |

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## FAC 2005-20 SUMMARY of ITEMS

Federal Acquisition Circular (FAC) 2005-20 amends the Federal Acquisition Regulation (FAR) as specified below:

### **Federal Funding Accountability and Transparency Act (FFATA)- Reporting Requirement of Subcontractor Award Data (FAR Case 2006-029)**

This final rule amends the FAR to establish a pilot program to test the collection and accession of subcontract award data. As a result, subcontracts awarded and funded with Federal appropriated funds will be disclosed to the public in a single searchable website. However, information reported under the pilot program will not be disclosed to the public. The FFATA requires the existence and operation of a searchable website that provides public access to information about Federal expenditures. Section 2(d) of the FFATA requires that a pilot program be established to test the collection and accession of subcontract award data. In order to implement Section 2(d) of the FFATA, the Councils are adding a new Subpart to FAR Part 4, with an associated clause in FAR Part 52, which addresses reporting subcontract awards. The pilot program will terminate no later than January 1, 2009. This rule applies to contracts with values equal to or greater than \$500 million awarded and performed in the United States, and requires the awardees to report all first tier subcontract awards exceeding \$1 million to the FFATA database at [www.esrs.gov](http://www.esrs.gov). The Councils chose these thresholds to ensure that a sufficient number of subcontract award reports will be entered in the database to permit assessment of its effectiveness without imposing a significant burden on contractors during the pilot program. The Government does not guarantee the reliability of the data reported. The Government has no mechanism to verify the data submitted. Before completion of the pilot program, the Councils will initiate a separate rulemaking process to establish the requirements for the final subcontract reporting database pursuant to the statute. This rule does not apply to classified contracts or commercial item contracts issued under FAR Part 12.

**Replacement pages:** General Structure i and ii; Part 4 TOC, pp. 4-1 and 4-2; 4.14-1 and 4.14-2 (added); 12.5-1 and 12.5-2; Part 52 TOC, pp. 52-1 and 52-2; 52.2-11 and 52.2-12; Matrix pp. 52.3-3 and 52.3-4

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## FAC 2005-20 FILING INSTRUCTIONS

**NOTE:** The FAR is now segmented by subparts. The FAR page numbers reflect FAR Subparts. For example, "4.14-1" is page one of Subpart 4.14, and "12.5-2" is page two of Subpart 12.5.

### Remove Pages

Structure  
i and ii

TOC, Part 4  
4-1 and 4-2

None

12.5-1 and 12.5-2

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Matrix  
52.3-3 and 52.3-4

### Insert Pages

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TOC, Part 52  
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Matrix  
52.3-3 and 52.3-4

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# FEDERAL ACQUISITION REGULATION

## General Structure and Subparts

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- 1.5 Agency and Public Participation
- 1.6 Career Development, Contracting Authority, and Responsibilities
- 1.7 Determinations and Findings

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**PART 4—ADMINISTRATIVE MATTERS**

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| <p><i>Sec.</i><br/>4.000</p> <p style="padding-left: 40px;"><b>Subpart 4.1—Contract Execution</b></p> <p>4.101 Contracting officer’s signature.<br/>4.102 Contractor’s signature.<br/>4.103 Contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.2—Contract Distribution</b></p> <p>4.201 Procedures.<br/>4.202 Agency distribution requirements.<br/>4.203 Taxpayer identification information.</p> <p style="padding-left: 40px;"><b>Subpart 4.3—Paper Documents</b></p> <p>4.300 Scope of subpart.<br/>4.301 Definition.<br/>4.302 Policy.<br/>4.303 Contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.4—Safeguarding Classified Information Within Industry</b></p> <p>4.401 [Reserved]<br/>4.402 General.<br/>4.403 Responsibilities of contracting officers.<br/>4.404 Contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.5—Electronic Commerce in Contracting</b></p> <p>4.500 Scope of subpart.<br/>4.501 [Reserved]<br/>4.502 Policy.</p> <p style="padding-left: 40px;"><b>Subpart 4.6—Contract Reporting</b></p> <p>4.600 Scope of subpart.<br/>4.601 Record requirements.<br/>4.602 Federal Procurement Data System.<br/>4.603 Solicitation provisions.</p> <p style="padding-left: 40px;"><b>Subpart 4.7—Contractor Records Retention</b></p> <p>4.700 Scope of subpart.<br/>4.701 Purpose.<br/>4.702 Applicability.<br/>4.703 Policy.<br/>4.704 Calculation of retention periods.<br/>4.705 Specific retention periods.<br/>4.705-1 Financial and cost accounting records.<br/>4.705-2 Pay administration records.<br/>4.705-3 Acquisition and supply records.</p> | <p style="padding-left: 40px;"><b>Subpart 4.8—Government Contract Files</b></p> <p>4.800 Scope of subpart.<br/>4.801 General.<br/>4.802 Contract files.<br/>4.803 Contents of contract files.<br/>4.804 Closeout of contract files.<br/>4.804-1 Closeout by the office administering the contract.<br/>4.804-2 Closeout of the contracting office files if another office administers the contract.<br/>4.804-3 Closeout of paying office contract files.<br/>4.804-4 Physically completed contracts.<br/>4.804-5 Procedures for closing out contract files.<br/>4.805 Storage, handling, and disposal of contract files.</p> <p style="padding-left: 40px;"><b>Subpart 4.9—Taxpayer Identification Number Information</b></p> <p>4.900 Scope of subpart.<br/>4.901 Definition.<br/>4.902 General.<br/>4.903 Reporting contract information to the IRS.<br/>4.904 Reporting payment information to the IRS.<br/>4.905 Solicitation provision.</p> <p style="padding-left: 40px;"><b>Subpart 4.10—Contract Line Items</b></p> <p>4.1001 Policy.</p> <p style="padding-left: 40px;"><b>Subpart 4.11—Central Contractor Registration</b></p> <p>4.1100 Scope.<br/>4.1101 Definition.<br/>4.1102 Policy.<br/>4.1103 Procedures.<br/>4.1104 Solicitation provision and contract clauses.</p> <p style="padding-left: 40px;"><b>Subpart 4.12—Representations and Certifications</b></p> <p>4.1200 Scope.<br/>4.1201 Policy.<br/>4.1202 Solicitation provision and contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.13—Personal Identity Verification of Contractor Personnel</b></p> <p>4.1300 Policy.<br/>4.1301 Contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.14—Reporting Subcontract Awards</b></p> <p>4.1400 Scope of subpart.<br/>4.1401 Contract clause.</p> |
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**Subpart 4.14—Reporting Subcontract Awards**

**4.1400 Scope of subpart.**

This subpart implements section 2(d) of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109–282) by establishing a pilot program for a single searchable website, which will eventually be available to the public at no charge, that includes information on Federal subcontracts. This pilot program will expire not later than January 1, 2009. Information reported under the pilot program will not be disclosed to the public.

**4.1401 Contract clause.**

(a) Except as provided in paragraph (b) of this section, insert the clause at [52.204-10](#), Reporting Subcontract Awards, in all solicitations and contracts with values of \$500,000,000 or more when the contract will be awarded and performed in the United States.

(b) The clause is not required in—

- (1) Solicitations and contracts for commercial items issued under FAR [Part 12](#); or
- (2) Classified solicitations and contracts.

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## Subpart 12.5—Applicability of Certain Laws to the Acquisition of Commercial Items

### 12.500 Scope of subpart.

As required by Section 34 of the Office of Federal Procurement Policy Act ([41 U.S.C. 430](#)), this subpart lists provisions of laws that are not applicable to contracts for the acquisition of commercial items, or are not applicable to subcontracts, at any tier, for the acquisition of a commercial item. This subpart also lists provisions of law that have been amended to eliminate or modify their applicability to either contracts or subcontracts for the acquisition of commercial items.

### 12.501 Applicability.

(a) This subpart applies to any contract or subcontract at any tier for the acquisition of commercial items.

(b) Nothing in this subpart shall be construed to authorize the waiver of any provision of law with respect to any subcontract if the prime contractor is reselling or distributing commercial items of another contractor without adding value. This limitation is intended to preclude establishment of unusual contractual arrangements solely for the purpose of Government sales.

(c) For purposes of this subpart, contractors awarded subcontracts under [Subpart 19.8](#), Contracting with the Small Business Administration (the 8(a) Program), shall be considered prime contractors.

### 12.502 Procedures.

(a) The FAR prescription for the provision or clause for each of the laws listed in [12.503](#) has been revised in the appropriate part to reflect its proper application to prime contracts for the acquisition of commercial items.

(b) For subcontracts for the acquisition of commercial items or commercial components, the clauses at [52.212-5](#), Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items, and [52.244-6](#), Subcontracts for Commercial Items and Commercial Components, reflect the applicability of the laws listed in [12.504](#) by identifying the only provisions and clauses that are required to be included in a subcontract at any tier for the acquisition of commercial items or commercial components.

### 12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial services.

(a) The following laws are not applicable to Executive agency contracts for the acquisition of commercial items:

- (1) [41 U.S.C. 43](#), Walsh-Healey Act (see [Subpart 22.6](#)).
- (2) [41 U.S.C. 254\(a\)](#) and [10 U.S.C. 2306\(b\)](#), Contingent Fees (see [3.404](#)).
- (3) [41 U.S.C. 416\(a\)\(6\)](#), Minimum Response Time for Offers under Office of Federal Procurement Policy Act (see [5.203](#)).

(4) [41 U.S.C. 701](#), *et seq.*, Drug-Free Workplace Act of 1988 (see [23.501](#)).

(5) [31 U.S.C. 1354\(a\)](#), Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements (see [22.1302](#)).

(6) 31 U.S.C. 6101 note, Pub. L. 109-282, Federal Funding Accountability and Transparency Act of 2006, requirement to report subcontract data.

(b) Certain requirements of the following laws are not applicable to executive agency contracts for the acquisition of commercial items:

(1) [40 U.S.C. 3701](#) *et seq.*, Requirement for a certificate and clause under the Contract Work Hours and Safety Standards Act (see [22.305](#)).

(2) [41 U.S.C. 57\(a\)](#) and (b), and 58, Requirement for a clause and certain other requirements related to the Anti-Kickback Act of 1986 (see [3.502](#)).

(3) [49 U.S.C. 40118](#), Requirement for a clause under the Fly American provisions (see [47.405](#)).

(c) The applicability of the following laws have been modified in regards to Executive agency contracts for the acquisition of commercial items:

(1) [41 U.S.C. 253g](#) and [10 U.S.C. 2402](#), Prohibition on Limiting Subcontractor Direct Sales to the United States (see [3.503](#)).

(2) [41 U.S.C. 254\(d\)](#) and [10 U.S.C. 2306a](#), Truth in Negotiations Act (see [15.403](#)).

(3) [41 U.S.C. 422](#), Cost Accounting Standards (48 CFR Chapter 99) (see [12.214](#)).

### 12.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

(a) The following laws are not applicable to subcontracts at any tier for the acquisition of commercial items or commercial components at any tier:

(1) [10 U.S.C. 2631](#), Transportation of Supplies by Sea (except for the types of subcontracts listed at [47.504\(d\)](#)).

(2) [15 U.S.C. 644\(d\)](#), Requirements relative to labor surplus areas under the Small Business Act (see [Subpart 19.2](#)).

(3) [31 U.S.C. 1352](#), Limitation on Payments to Influence Certain Federal Transactions (see [Subpart 3.8](#)).

(4) [41 U.S.C. 43](#), Walsh-Healey Act (see [Subpart 22.6](#)).

(5) [41 U.S.C. 253d](#), Validation of Proprietary Data Restrictions (see [Subpart 27.4](#)).

(6) [41 U.S.C. 254\(a\)](#) and [10 U.S.C. 2306\(b\)](#), Contingent Fees (see [Subpart 3.4](#)).

(7) [41 U.S.C. 254d\(c\)](#) and [10 U.S.C. 2313\(c\)](#), Examination of Records of Contractor, when a subcontractor is not required to provide cost or pricing data (see [15.209\(b\)](#)).

(8) [41 U.S.C. 416\(a\)\(6\)](#), Minimum Response Time for Offers under Office of Federal Procurement Policy Act (see [Subpart 5.2](#)).

(9) [41 U.S.C. 418a](#), Rights in Technical Data (see [Subpart 27.4](#)).

(10) [41 U.S.C. 701](#), *et seq.*, Drug-Free Workplace Act of 1988 (see [Subpart 23.5](#)).

(11) [46 U.S.C. App. 1241\(b\)](#), Transportation in American Vessels of Government Personnel and Certain Cargo (see [Subpart 47.5](#)) (except for the types of subcontracts listed at [47.504\(d\)](#)).

(12) [49 U.S.C. 40118](#), Fly American provisions (see [Subpart 47.4](#)).

(b) The requirements for a certificate and clause under the Contract Work Hours and Safety Standards Act, [40 U.S.C. 3701](#) *et seq.*, (see [Subpart 22.3](#)) are not applicable

to subcontracts at any tier for the acquisition of commercial items or commercial components.

(c) The applicability of the following laws has been modified in regards to subcontracts at any tier for the acquisition of commercial items or commercial components:

(1) [41 U.S.C. 253g](#) and [10 U.S.C. 2402](#), Prohibition on Limiting Subcontractor Direct Sales to the United States (see [Subpart 3.5](#)).

(2) [41 U.S.C. 254\(d\)](#) and [10 U.S.C. 2306a](#), Truth in Negotiations Act (see [Subpart 15.4](#)).

(3) [41 U.S.C. 422](#), Cost Accounting Standards (48 CFR Chapter 99) (see [12.214](#)).



**PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES**

*Sec.*

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| <p>52.000 Scope of part.</p> <p style="text-align: center;"><b>Subpart 52.1—Instructions for Using Provisions and Clauses</b></p> <p>52.100 Scope of subpart.</p> <p>52.101 Using Part 52.</p> <p>52.102 Incorporating provisions and clauses.</p> <p>52.103 Identification of provisions and clauses.</p> <p>52.104 Procedures for modifying and completing provisions and clauses.</p> <p>52.105 Procedures for using alternates.</p> <p>52.106 [Reserved]</p> <p>52.107 Provisions and clauses prescribed in Subpart 52.1.</p> <p style="text-align: center;"><b>Subpart 52.2—Text of Provisions and Clauses</b></p> <p>52.200 Scope of subpart.</p> <p>52.201 [Reserved]</p> <p>52.202-1 Definitions.</p> <p>52.203-1 [Reserved]</p> <p>52.203-2 Certificate of Independent Price Determination.</p> <p>52.203-3 Gratuities.</p> <p>52.203-4 [Reserved]</p> <p>52.203-5 Covenant Against Contingent Fees.</p> <p>52.203-6 Restrictions on Subcontractor Sales to the Government.</p> <p>52.203-7 Anti-Kickback Procedures.</p> <p>52.203-8 Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.</p> <p>52.203-9 [Reserved]</p> <p>52.203-10 Price or Fee Adjustment for Illegal or Improper Activity.</p> <p>52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions.</p> <p>52.203-12 Limitation on Payments to Influence Certain Federal Transactions.</p> <p>52.204-1 Approval of Contract.</p> <p>52.204-2 Security Requirements.</p> <p>52.204-3 Taxpayer Identification.</p> <p>52.204-4 Printed or Copied Double-Sided on Recycled Paper.</p> <p>52.204-5 Women-Owned Business (Other Than Small Business).</p> <p>52.204-6 Data Universal Numbering System (DUNS) Number.</p> <p>52.204-7 Central Contractor Registration.</p> <p>52.204-8 Annual Representations and Certifications.</p> <p>52.204-9 Personal Identity Verification of Contractor Personnel.</p> <p>52.204-10 Reporting Subcontract Awards.</p> <p>52.205 [Reserved]</p> <p>52.206 [Reserved]</p> <p>52.207-1 Notice of Standard Competition.</p> <p>52.207-2 Notice of Streamlined Competition.</p> | <p>52.207-3 Right of First Refusal of Employment.</p> <p>52.207-4 Economic Purchase Quantity—Supplies.</p> <p>52.207-5 Option to Purchase Equipment.</p> <p>52.208-1 [Reserved]</p> <p>52.208-2 [Reserved]</p> <p>52.208-3 [Reserved]</p> <p>52.208-4 Vehicle Lease Payments.</p> <p>52.208-5 Condition of Leased Vehicles.</p> <p>52.208-6 Marking of Leased Vehicles.</p> <p>52.208-7 Tagging of Leased Vehicles.</p> <p>52.208-8 Required Sources for Helium and Helium Usage Data.</p> <p>52.208-9 Contractor Use of Mandatory Sources of Supply or Services.</p> <p>52.209-1 Qualification Requirements.</p> <p>52.209-2 [Reserved]</p> <p>52.209-3 First Article Approval—Contractor Testing.</p> <p>52.209-4 First Article Approval—Government Testing.</p> <p>52.209-5 Certification Regarding Debarment, Suspension, Proposed Debarment, and Other Responsibility Matters.</p> <p>52.209-6 Protecting the Government’s Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment.</p> <p>52.210 [Reserved]</p> <p>52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29.</p> <p>52.211-2 Availability of Specifications, Standards, and Data Item Descriptions Listed in the Acquisition Streamlining and Standardization Information System (ASSIST).</p> <p>52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.</p> <p>52.211-4 Availability for Examination of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions.</p> <p>52.211-5 Material Requirements.</p> <p>52.211-6 Brand Name or Equal.</p> <p>52.211-7 Alternatives to Government-Unique Standards.</p> <p>52.211-8 Time of Delivery.</p> <p>52.211-9 Desired and Required Time of Delivery.</p> <p>52.211-10 Commencement, Prosecution, and Completion of Work.</p> <p>52.211-11 Liquidated Damages—Supplies, Services, or Research and Development.</p> <p>52.211-12 Liquidated Damages—Construction.</p> <p>52.211-13 Time Extensions.</p> <p>52.211-14 Notice of Priority Rating for National Defense Use.</p> |
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| 52.214-24 | Multiple Technical Proposals.   | 52.216-10 | Incentive Fee.  |
| 52.214-25 | Step Two of Two-Step Sealed Bidding.  | 52.216-11 | Cost Contract—No Fee.   |
| 52.214-26 | Audit and Records—Sealed Bidding.   | 52.216-12 | Cost-Sharing Contract—No Fee.   |
| 52.214-27 | Price Reduction for Defective Cost or Pricing Data—Modifications—Sealed Bidding.                                  | 52.216-13 | [Reserved]  |
| 52.214-28 | Subcontractor Cost or Pricing Data—Modifications—Sealed Bidding.  | 52.216-14 | [Reserved]  |
| 52.214-29 | Order of Precedence—Sealed Bidding.   |           |   |

ing information in the CCR does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

(g) (1) (i) If a Contractor has legally changed its business name, “doing business as” name, or division name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in [Subpart 42.12](#), the Contractor shall provide the responsible Contracting Officer a minimum of one business day’s written notification of its intention to (A) change the name in the CCR database; (B) comply with the requirements of [Subpart 42.12](#) of the FAR; and (C) agree in writing to the timeline and procedures specified by the responsible Contracting Officer. The Contractor must provide with the notification sufficient documentation to support the legally changed name.

(ii) If the Contractor fails to comply with the requirements of paragraph (g)(1)(i) of this clause, or fails to perform the agreement at paragraph (g)(1)(i)(C) of this clause, and, in the absence of a properly executed novation or change-of-name agreement, the CCR information that shows the Contractor to be other than the Contractor indicated in the contract will be considered to be incorrect information within the meaning of the “Suspension of Payment” paragraph of the electronic funds transfer (EFT) clause of this contract.

(2) The Contractor shall not change the name or address for EFT payments or manual payments, as appropriate, in the CCR record to reflect an assignee for the purpose of assignment of claims (see FAR [Subpart 32.8](#), Assignment of Claims). Assignees shall be separately registered in the CCR database. Information provided to the Contractor’s CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that Contractor will be considered to be incorrect information within the meaning of the “Suspension of payment” paragraph of the EFT clause of this contract.

(h) Offerors and Contractors may obtain information on registration and annual confirmation requirements via the internet at <http://www.ccr.gov> or by calling 1-888-227-2423, or 269-961-5757.

(End of clause)

**52.204-8 Annual Representations and Certifications.**

As prescribed in [4.1202](#), insert the following provision:

ANNUAL REPRESENTATIONS AND CERTIFICATIONS  
(JAN 2006)

(a)(1) The North American Industry Classification System (NAICS) code for this acquisition is \_\_\_\_\_  
[insert NAICS code].

(2) The small business size standard is \_\_\_\_\_  
[insert size standard].

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b)(1) If the clause at [52.204-7](#), Central Contractor Registration, is included in this solicitation, paragraph (c) of this provision applies.

(2) If the clause at [52.204-7](#) is not included in this solicitation, and the offeror is currently registered in CCR, and has completed the ORCA electronically, the offeror may choose to use paragraph (c) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The offeror shall indicate which option applies by checking one of the following boxes:

(i) Paragraph (c) applies.

(ii) Paragraph (c) does not apply and the offeror has completed the individual representations and certifications in the solicitation.

(c) The offeror has completed the annual representations and certifications electronically via the Online Representations and Certifications Application (ORCA) website at <http://orca.bpn.gov>. After reviewing the ORCA database information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR [4.1201](#)); except for the changes identified below [*offeror to insert changes, identifying change by clause number, title, date*]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

| FAR CLAUSE # | TITLE | DATE  | CHANGE |
|--------------|-------|-------|--------|
| _____        | _____ | _____ | _____  |

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on ORCA.

(End of provision)

**52.204-9 Personal Identity Verification of Contractor Personnel.**

As prescribed in [4.1301](#), insert the following clause:

PERSONAL IDENTITY VERIFICATION OF CONTRACTOR  
PERSONNEL (NOV 2006)

(a) The Contractor shall comply with agency personal identity verification procedures identified in the contract that implement Homeland Security Presidential Directive-12 (HSPD-12), Office of Management and Budget (OMB) guid-

ance M-05-24, as amended, and Federal Information Processing Standards Publication (FIPS PUB) Number 201, as amended.

(b) The Contractor shall insert this clause in all subcontracts when the subcontractor is required to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.

(End of clause)

#### 52.204-10 Reporting Subcontract Awards.

As prescribed in [4.1401\(a\)](#), insert the following clause:

##### REPORTING SUBCONTRACT AWARDS (SEPT 2007)

(a) *Definition.* *Subcontract*, as used in this clause, means any contract as defined in FAR [Subpart 2.1](#) entered into by the Contractor to furnish supplies or services for performance of this contract. It includes, but is not limited to, purchase orders and changes and modifications to purchase orders, but does not include contracts that provide supplies or services benefiting two or more contracts.

(b) Section 2(d) of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282) requires establishment of a pilot program for a single searchable website, available to the public at no charge that includes information on Federal subcontracts.

(c) Within thirty days after the end of March, June, September, and December of each year through 2008, the Contractor shall report the following information at [www.esrs.gov](#) for each subcontract award with a value greater than \$1 million made during that quarter. (The Contractor shall follow the instructions at [www.esrs.gov](#) to report the data.)

- (1) Name of the subcontractor.
- (2) Amount of the award.
- (3) Date of award.
- (4) The applicable North American Industry Classification System code.
- (5) Funding agency or agencies.
- (6) Award title descriptive of the purpose of the action.
- (7) Contract number.
- (8) Subcontractor location including address.
- (9) Subcontract primary performance location including address.
- (10) Unique identifier for the subcontractor.

(End of clause)

**52.205 [Reserved]**

**52.206 [Reserved]**

**52.301 Solicitation provisions and contract clauses (Matrix).**

|                          |   |
|--------------------------|---|
| <b>KEY:</b>              |   |
| <b>Type of Contract:</b> |   |
| P or C                   | = Provision or Clause   |
| IBR                      | = Is Incorporation by Reference Authorized? (See FAR <a href="#">52.102</a> ) |
| UCF                      | = Uniform Contract Format Section, when Applicable                            |
| FP SUP                   | = Fixed-Price Supply  |
| CR SUP                   | = Cost-Reimbursement Supply   |
| FP R&D                   | = Fixed-Price Research & Development  |
| CR R&D                   | = Cost Reimbursement Research & Development                                   |
| FP SVC                   | = Fixed-Price Service   |
| CR SVC                   | = Cost Reimbursement Service  |
| FP CON                   | = Fixed-Price Construction  |
| CR CON                   | = Cost Reimbursement Construction   |
| T&M LH                   | = Time & Material/Labor Hours   |
| LMV                      | = Leasing of Motor Vehicles   |
| COM SVC                  | = Communication Services  |
| DDR                      | = Dismantling, Demolition, or Removal of Improvements                         |
| A&E                      | = Architect-Engineering   |
| FAC                      | = Facilities  |
| IND DEL                  | = Indefinite Delivery   |
| TRN                      | = Transportation  |
| SAP                      | = Simplified Acquisition Procedures (excluding micro-purchase)                |
| UTL SVC                  | = Utility Services  |
| CI                       | = Commercial Items  |
| <b>Contract Purpose:</b> |   |
| R                        | = Required  |
| A                        | = Required when Applicable  |
| O                        | = Optional  |
| ✓                        | = Revision  |

| PROVISION OR CLAUSE  | PRESCRIBED IN              | PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT |     |     |        |        |        |        |        |        |        |        |        |     |         |     |     |     |         |     |     |         |    |
|--|----------------------------|---|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----|---------|-----|-----|-----|---------|-----|-----|---------|----|
|  |                            | 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 |
| <a href="#">52.202-1</a> Definitions.  | <a href="#">2.201</a>      | C   | Yes | I   | R      | R      | A      | R      | R      | R      | R      | R      | R      | R   | R       | R   | R   | R   | R       | R   | R   | R       |    |
| <a href="#">52.203-2</a> Certificate of Independent Price Determination.   | <a href="#">3.103-1</a>    | P   | No  | K   | A      |        | A      |        | A      |        | A      |        |        | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-3</a> Gratuities.   | <a href="#">3.202</a>      | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-5</a> Covenant Against Contingent Fees.   | <a href="#">3.404</a>      | C   | Yes | I   | R      | R      | R      | R      | R      | R      | R      | R      | R      | R   | R       | R   | R   | R   | R       | R   |     | R       |    |
| <a href="#">52.203-6</a> Restrictions on Subcontractor Sales to the Government.                                      | <a href="#">3.503-2</a>    | C   | Yes | I   | R      | R      |        |        | R      | R      |        |        |        |     |         |     |     |     | R       |     |     | R       |    |
| Alternate I  | <a href="#">3.503-2</a>    | C   | Yes |     |        |        |        |        |        |        |        |        |        |     |         |     |     |     |         |     |     |         | R  |
| <a href="#">52.203-7</a> Anti-Kickback Procedures.   | <a href="#">3.502-3</a>    | C   | Yes | I   | R      | R      | R      | R      | R      | R      | R      | R      | R      | R   | R       | R   | R   | R   | R       | R   |     | R       |    |
| <a href="#">52.203-8</a> Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.           | <a href="#">3.104-9(a)</a> | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-10</a> Price or Fee Adjustment for Illegal or Improper Activity.                                  | <a href="#">3.104-9(b)</a> | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-11</a> Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. | <a href="#">3.808(a)</a>   | P   | Yes | K   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-12</a> Limitation on Payments to Influence Certain Federal Transactions.                          | <a href="#">3.808(b)</a>   | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.204-1</a> Approval of Contract.   | <a href="#">4.103</a>      | C   | No  | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |

| PROVISION OR CLAUSE   | PRESCRIBED IN  | PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT |     |     |        |        |        |        |        |        |        |        |        |     |         |     |     |     |         |     |     |         |    |
|---|--|---|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----|---------|-----|-----|-----|---------|-----|-----|---------|----|
|   |  | 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 |
| <a href="#">52.204-2</a> Security Requirements.                                     | <a href="#">4.404(a)</a>                                 | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |
| Alternate I   | <a href="#">4.404(b)</a>                                 | C   | Yes | I   |        |        |        | A      |        |        |        |        |        |     |         |     |     |     |         |     |     |         |    |
| Alternate II  | <a href="#">4.404(c)</a>                                 | C   | Yes | I   |        |        |        |        |        | A      | A      |        |        |     |         |     | A   | A   |         |     |     |         |    |
| <a href="#">52.204-3</a> Taxpayer Identification.                                   | <a href="#">4.905</a>                                    | P   | No  | K   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |
| <a href="#">52.204-4</a> Printed or Copied Double-Sided on Recycled Paper.          | <a href="#">4.303</a>                                    | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       | A  |
| <a href="#">52.204-5</a> Women-Owned Business (Other Than Small Business)           | <a href="#">4.603(b)</a>                                 | P   | Yes | K   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.204-6</a> Data Universal Numbering System (DUNS) Number.             | <a href="#">4.603(a)</a>                                 | P   | Yes | L   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |
| <a href="#">52.204-7</a> Central Contractor Registration.                           | <a href="#">4.1104</a>                                   | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |
| <a href="#">52.204-8</a> Annual Representations and Certifications                  | <a href="#">4.1202</a>                                   | P   | No  | K   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |
| <a href="#">52.204-9</a> Personal Identity Verification of Contractor Personnel.    | <a href="#">4.1301</a>                                   | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      |        | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |
| <a href="#">52.204-10</a> Reporting Subcontract Awards                              | <a href="#">4.1401(a)</a>                                | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   |         | A   |     | A       |    |
| <a href="#">52.207-1</a> Notice of Standard Competition.                            | <a href="#">7.305(a)</a>                                 | P   | Yes | L   | A      |        | A      |        | A      |        | A      |        |        | A   | A       | A   |     |     |         | A   |     |         |    |
| <a href="#">52.207-2</a> Notice of Streamlined Competition.                         | <a href="#">7.305(b)</a>                                 | P   | Yes | L   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   |     | A       | A   |     | A       |    |
| <a href="#">52.207-3</a> Right of First Refusal of Employment.                      | <a href="#">7.305(c)</a>                                 | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   |     | A       | A   |     | A       |    |
| <a href="#">52.207-4</a> Economic Purchase Quantity—Supplies.                       | <a href="#">7.203</a>                                    | P   | No  | K   | A      | A      |        |        |        |        |        |        |        |     |         |     |     |     |         | A   |     | A       |    |
| <a href="#">52.207-5</a> Option to Purchase Equipment.                              | <a href="#">7.404</a>                                    | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |
| <a href="#">52.208-4</a> Vehicle Lease Payments.                                    | <a href="#">8.1104(a)</a>                                | C   | Yes | I   |        |        |        |        |        |        |        |        |        | A   |         |     |     |     |         |     |     | A       |    |
| <a href="#">52.208-5</a> Condition of Leased Vehicles.                              | <a href="#">8.1104(b)</a>                                | C   | Yes | I   |        |        |        |        |        |        |        |        |        | A   |         |     |     |     |         |     |     | A       |    |
| <a href="#">52.208-6</a> Marking of Leased Vehicles.                                | <a href="#">8.1104(c)</a>                                | C   | Yes | I   |        |        |        |        |        |        |        |        |        | A   |         |     |     |     |         |     |     | A       |    |
| <a href="#">52.208-7</a> Tagging of Leased Vehicles.                                | <a href="#">8.1104(d)</a>                                | C   | Yes | I   |        |        |        |        |        |        |        |        |        | A   |         |     |     |     |         |     |     | A       |    |
| <a href="#">52.208-8</a> Required Sources for Helium and Helium Usage Data.         | <a href="#">8.505</a>                                    | C   | No  | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |
| <a href="#">52.208-9</a> Contractor Use of Mandatory Sources of Supply or Services. | <a href="#">8.004</a>                                    | C   | Yes | I   | A      | A      |        |        |        |        |        |        |        |     |         |     |     |     |         | A   |     | A       |    |
| <a href="#">52.209-1</a> Qualification Requirements.                                | <a href="#">9.206-2</a>                                  | C   | No  | I   | A      | A      |        |        | A      | A      |        |        |        | A   |         |     |     |     |         | A   |     | A       |    |
| <a href="#">52.209-3</a> First Article Approval—Contractor Testing.                 | <a href="#">9.308-1(a)(1)</a> and <a href="#">(b)(1)</a> | C   | Yes | I   | A      | O      |        |        |        |        |        |        |        | A   |         |     |     |     |         | A   |     | A       |    |
| Alternate I   | <a href="#">9.308-1(a)(2)</a> and <a href="#">(b)(2)</a> | C   | Yes | I   | A      | O      |        |        |        |        |        |        |        | A   |         |     |     |     |         | A   |     | A       |    |
| Alternate II  | <a href="#">9.308-2(a)(3)</a> and <a href="#">(b)(3)</a> | C   | Yes | I   | A      | O      |        |        |        |        |        |        |        | A   |         |     |     |     |         | A   |     | A       |    |

## FAC 2005-20 FILING INSTRUCTIONS

**NOTE:** The following pages reflect and replace FAR final rule amendments from FACs 2005-19 and 2005-20, effective on September 17, 2007 and September 6, 2007, respectively.

### Remove Pages

Structure  
i and ii

TOC Part 4  
4-1 and 4-2

12.5-1 and 12.5-2

52.2-11 and 52.2-12

Matrix  
52.3-3 and 52.3-4

### Insert Pages

Structure  
i and ii

TOC Part 4  
4-1 and 4.2

12.5-1 and 12.5-2

52.2-11 and 52.2-12

Matrix  
52.3-3 and 52.3-4

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# FEDERAL ACQUISITION REGULATION

## General Structure and Subparts

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- 1.3 Agency Acquisition Regulations
- 1.4 Deviations from the FAR
- 1.5 Agency and Public Participation
- 1.6 Career Development, Contracting Authority, and Responsibilities
- 1.7 Determinations and Findings

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- 2.2 Definitions Clause

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|   |  |
|---|--|
| <p><i>Sec.</i><br/>4.000</p> <p style="padding-left: 40px;"><b>Subpart 4.1—Contract Execution</b></p> <p>4.101 Contracting officer’s signature.<br/>4.102 Contractor’s signature.<br/>4.103 Contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.2—Contract Distribution</b></p> <p>4.201 Procedures.<br/>4.202 Agency distribution requirements.<br/>4.203 Taxpayer identification information.</p> <p style="padding-left: 40px;"><b>Subpart 4.3—Paper Documents</b></p> <p>4.300 Scope of subpart.<br/>4.301 Definition.<br/>4.302 Policy.<br/>4.303 Contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.4—Safeguarding Classified Information Within Industry</b></p> <p>4.401 [Reserved]<br/>4.402 General.<br/>4.403 Responsibilities of contracting officers.<br/>4.404 Contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.5—Electronic Commerce in Contracting</b></p> <p>4.500 Scope of subpart.<br/>4.501 [Reserved]<br/>4.502 Policy.</p> <p style="padding-left: 40px;"><b>Subpart 4.6—Contract Reporting</b></p> <p>4.600 Scope of subpart.<br/>4.601 Record requirements.<br/>4.602 Federal Procurement Data System.<br/>4.603 Solicitation provisions.</p> <p style="padding-left: 40px;"><b>Subpart 4.7—Contractor Records Retention</b></p> <p>4.700 Scope of subpart.<br/>4.701 Purpose.<br/>4.702 Applicability.<br/>4.703 Policy.<br/>4.704 Calculation of retention periods.<br/>4.705 Specific retention periods.<br/>4.705-1 Financial and cost accounting records.<br/>4.705-2 Pay administration records.<br/>4.705-3 Acquisition and supply records.</p> | <p style="padding-left: 40px;"><b>Subpart 4.8—Government Contract Files</b></p> <p>4.800 Scope of subpart.<br/>4.801 General.<br/>4.802 Contract files.<br/>4.803 Contents of contract files.<br/>4.804 Closeout of contract files.<br/>4.804-1 Closeout by the office administering the contract.<br/>4.804-2 Closeout of the contracting office files if another office administers the contract.<br/>4.804-3 Closeout of paying office contract files.<br/>4.804-4 Physically completed contracts.<br/>4.804-5 Procedures for closing out contract files.<br/>4.805 Storage, handling, and disposal of contract files.</p> <p style="padding-left: 40px;"><b>Subpart 4.9—Taxpayer Identification Number Information</b></p> <p>4.900 Scope of subpart.<br/>4.901 Definition.<br/>4.902 General.<br/>4.903 Reporting contract information to the IRS.<br/>4.904 Reporting payment information to the IRS.<br/>4.905 Solicitation provision.</p> <p style="padding-left: 40px;"><b>Subpart 4.10—Contract Line Items</b></p> <p>4.1001 Policy.</p> <p style="padding-left: 40px;"><b>Subpart 4.11—Central Contractor Registration</b></p> <p>4.1100 Scope.<br/>4.1101 Definition.<br/>4.1102 Policy.<br/>4.1103 Procedures.<br/>4.1104 Solicitation provision and contract clauses.</p> <p style="padding-left: 40px;"><b>Subpart 4.12—Representations and Certifications</b></p> <p>4.1200 Scope.<br/>4.1201 Policy.<br/>4.1202 Solicitation provision and contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.13—Personal Identity Verification</b></p> <p>4.1300 Scope of subpart.<br/>4.1301 Policy.<br/>4.1302 Acquisition of approved products and services for personal identity verification.<br/>4.1303 Contract clause.</p> <p style="padding-left: 40px;"><b>Subpart 4.14—Reporting Subcontract Awards</b></p> <p>4.1400 Scope of subpart.<br/>4.1401 Contract clause.</p> |
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## Subpart 12.5—Applicability of Certain Laws to the Acquisition of Commercial Items

### 12.500 Scope of subpart.

As required by Section 34 of the Office of Federal Procurement Policy Act ([41 U.S.C. 430](#)), this subpart lists provisions of laws that are not applicable to contracts for the acquisition of commercial items, or are not applicable to subcontracts, at any tier, for the acquisition of a commercial item. This subpart also lists provisions of law that have been amended to eliminate or modify their applicability to either contracts or subcontracts for the acquisition of commercial items.

### 12.501 Applicability.

(a) This subpart applies to any contract or subcontract at any tier for the acquisition of commercial items.

(b) Nothing in this subpart shall be construed to authorize the waiver of any provision of law with respect to any subcontract if the prime contractor is reselling or distributing commercial items of another contractor without adding value. This limitation is intended to preclude establishment of unusual contractual arrangements solely for the purpose of Government sales.

(c) For purposes of this subpart, contractors awarded subcontracts under [Subpart 19.8](#), Contracting with the Small Business Administration (the 8(a) Program), shall be considered prime contractors.

### 12.502 Procedures.

(a) The FAR prescription for the provision or clause for each of the laws listed in [12.503](#) has been revised in the appropriate part to reflect its proper application to prime contracts for the acquisition of commercial items.

(b) For subcontracts for the acquisition of commercial items or commercial components, the clauses at [52.212-5](#), Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items, and [52.244-6](#), Subcontracts for Commercial Items and Commercial Components, reflect the applicability of the laws listed in [12.504](#) by identifying the only provisions and clauses that are required to be included in a subcontract at any tier for the acquisition of commercial items or commercial components.

### 12.503 Applicability of certain laws to Executive agency contracts for the acquisition of commercial services.

(a) The following laws are not applicable to Executive agency contracts for the acquisition of commercial items:

- (1) [41 U.S.C. 43](#), Walsh-Healey Act (see [Subpart 22.6](#)).
- (2) [41 U.S.C. 254\(a\)](#) and [10 U.S.C. 2306\(b\)](#), Contingent Fees (see [3.404](#)).
- (3) [41 U.S.C. 416\(a\)\(6\)](#), Minimum Response Time for Offers under Office of Federal Procurement Policy Act (see [5.203](#)).

(4) [41 U.S.C. 701](#), *et seq.*, Drug-Free Workplace Act of 1988 (see [23.501](#)).

(5) [31 U.S.C. 1354\(a\)](#), Limitation on use of appropriated funds for contracts with entities not meeting veterans' employment reporting requirements (see [22.1302](#)).

(6) 31 U.S.C. 6101 note, Pub. L. 109-282, Federal Funding Accountability and Transparency Act of 2006, requirement to report subcontract data.

(b) Certain requirements of the following laws are not applicable to executive agency contracts for the acquisition of commercial items:

(1) [40 U.S.C. 3701](#) *et seq.*, Requirement for a certificate and clause under the Contract Work Hours and Safety Standards Act (see [22.305](#)).

(2) [41 U.S.C. 57\(a\)](#) and (b), and 58, Requirement for a clause and certain other requirements related to the Anti-Kickback Act of 1986 (see [3.502](#)).

(3) [49 U.S.C. 40118](#), Requirement for a clause under the Fly American provisions (see [47.405](#)).

(c) The applicability of the following laws have been modified in regards to Executive agency contracts for the acquisition of commercial items:

(1) [41 U.S.C. 253g](#) and [10 U.S.C. 2402](#), Prohibition on Limiting Subcontractor Direct Sales to the United States (see [3.503](#)).

(2) [41 U.S.C. 254\(d\)](#) and [10 U.S.C. 2306a](#), Truth in Negotiations Act (see [15.403](#)).

(3) [41 U.S.C. 422](#), Cost Accounting Standards (48 CFR Chapter 99) (see [12.214](#)).

### 12.504 Applicability of certain laws to subcontracts for the acquisition of commercial items.

(a) The following laws are not applicable to subcontracts at any tier for the acquisition of commercial items or commercial components at any tier:

(1) [10 U.S.C. 2631](#), Transportation of Supplies by Sea (except for the types of subcontracts listed at [47.504\(d\)](#)).

(2) [15 U.S.C. 644\(d\)](#), Requirements relative to labor surplus areas under the Small Business Act (see [Subpart 19.2](#)).

(3) [Reserved]

(4) [41 U.S.C. 43](#), Walsh-Healey Act (see [Subpart 22.6](#)).

(5) [41 U.S.C. 253d](#), Validation of Proprietary Data Restrictions (see [Subpart 27.4](#)).

(6) [41 U.S.C. 254\(a\)](#) and [10 U.S.C. 2306\(b\)](#), Contingent Fees (see [Subpart 3.4](#)).

(7) [41 U.S.C. 254d\(c\)](#) and [10 U.S.C. 2313\(c\)](#), Examination of Records of Contractor, when a subcontractor is not required to provide cost or pricing data (see [15.209\(b\)](#)).

(8) [41 U.S.C. 416\(a\)\(6\)](#), Minimum Response Time for Offers under Office of Federal Procurement Policy Act (see [Subpart 5.2](#)).

(9) [41 U.S.C. 418a](#), Rights in Technical Data (see [Subpart 27.4](#)).

(10) [41 U.S.C. 701](#), *et seq.*, Drug-Free Workplace Act of 1988 (see [Subpart 23.5](#)).

(11) [46 U.S.C. App. 1241\(b\)](#), Transportation in American Vessels of Government Personnel and Certain Cargo (see [Subpart 47.5](#)) (except for the types of subcontracts listed at [47.504\(d\)](#)).

(12) [49 U.S.C. 40118](#), Fly American provisions (see [Subpart 47.4](#)).

(b) The requirements for a certificate and clause under the Contract Work Hours and Safety Standards Act, [40 U.S.C. 3701](#) *et seq.*, (see [Subpart 22.3](#)) are not applicable

to subcontracts at any tier for the acquisition of commercial items or commercial components.

(c) The applicability of the following laws has been modified in regards to subcontracts at any tier for the acquisition of commercial items or commercial components:

(1) [41 U.S.C. 253g](#) and [10 U.S.C. 2402](#), Prohibition on Limiting Subcontractor Direct Sales to the United States (see [Subpart 3.5](#)).

(2) [41 U.S.C. 254\(d\)](#) and [10 U.S.C. 2306a](#), Truth in Negotiations Act (see [Subpart 15.4](#)).

(3) [41 U.S.C. 422](#), Cost Accounting Standards (48 CFR Chapter 99) (see [12.214](#)).

internet at <http://www.ccr.gov> or by calling 1-888-227-2423, or 269-961-5757.

(End of clause)

**52.204-8 Annual Representations and Certifications.**

As prescribed in [4.1202](#), insert the following provision:

ANNUAL REPRESENTATIONS AND CERTIFICATIONS  
(JAN 2006)

(a)(1) The North American Industry Classification System (NAICS) code for this acquisition is \_\_\_\_\_ [*insert NAICS code*].

(2) The small business size standard is \_\_\_\_\_ [*insert size standard*].

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b)(1) If the clause at [52.204-7](#), Central Contractor Registration, is included in this solicitation, paragraph (c) of this provision applies.

(2) If the clause at [52.204-7](#) is not included in this solicitation, and the offeror is currently registered in CCR, and has completed the ORCA electronically, the offeror may choose to use paragraph (c) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The offeror shall indicate which option applies by checking one of the following boxes:

(i) Paragraph (c) applies.

(ii) Paragraph (c) does not apply and the offeror has completed the individual representations and certifications in the solicitation.

(c) The offeror has completed the annual representations and certifications electronically via the Online Representations and Certifications Application (ORCA) website at <http://orca.bpn.gov>. After reviewing the ORCA database information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR [4.1201](#)); except for the changes identified below [*offeror to insert changes, identifying change by clause number, title, date*]. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

| FAR CLAUSE # | TITLE | DATE  | CHANGE |
|--------------|-------|-------|--------|
| _____        | _____ | _____ | _____  |

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on ORCA.

(End of provision)

**52.204-9 Personal Identity Verification of Contractor Personnel.**

As prescribed in [4.1303](#), insert the following clause:

PERSONAL IDENTITY VERIFICATION OF CONTRACTOR  
PERSONNEL (SEPT 2007)

(a) The Contractor shall comply with agency personal identity verification procedures identified in the contract that implement Homeland Security Presidential Directive-12 (HSPD-12), Office of Management and Budget (OMB) guidance M-05-24 and Federal Information Processing Standards Publication (FIPS PUB) Number 201.

(b) The Contractor shall insert this clause in all subcontracts when the subcontractor is required to have routine physical access to a Federally-controlled facility and/or routine access to a Federally-controlled information system.

(End of clause)

**52.204-10 Reporting Subcontract Awards.**

As prescribed in [4.1401](#)(a), insert the following clause:

REPORTING SUBCONTRACT AWARDS (SEPT 2007)

(a) *Definition. Subcontract*, as used in this clause, means any contract as defined in FAR [Subpart 2.1](#) entered into by the Contractor to furnish supplies or services for performance of this contract. It includes, but is not limited to, purchase orders and changes and modifications to purchase orders, but does not include contracts that provide supplies or services benefiting two or more contracts.

(b) Section 2(d) of the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. No. 109-282) requires establishment of a pilot program for a single searchable website, available to the public at no charge that includes information on Federal subcontracts.

(c) Within thirty days after the end of March, June, September, and December of each year through 2008, the Contractor shall report the following information at [www.esrs.gov](http://www.esrs.gov) for each subcontract award with a value greater than \$1 million made during that quarter. (The Contractor shall follow the instructions at [www.esrs.gov](http://www.esrs.gov) to report the data.)

- (1) Name of the subcontractor.
- (2) Amount of the award.
- (3) Date of award.
- (4) The applicable North American Industry Classification System code.
- (5) Funding agency or agencies.
- (6) Award title descriptive of the purpose of the action.

(7) Contract number. **52.205 [Reserved]**

(8) Subcontractor location including address.

(9) Subcontract primary performance location including address. **52.206 [Reserved]**

(10) Unique identifier for the subcontractor.

(End of clause)



**52.301 Solicitation provisions and contract clauses (Matrix).**

|                          |   |
|--------------------------|---|
| <b>KEY:</b>              |   |
| <u>Type of Contract:</u> |   |
| P or C                   | = Provision or Clause   |
| IBR                      | = Is Incorporation by Reference Authorized? (See FAR <a href="#">52.102</a> ) |
| UCF                      | = Uniform Contract Format Section, when Applicable                            |
| FP SUP                   | = Fixed-Price Supply  |
| CR SUP                   | = Cost-Reimbursement Supply   |
| FP R&D                   | = Fixed-Price Research & Development  |
| CR R&D                   | = Cost Reimbursement Research & Development                                   |
| FP SVC                   | = Fixed-Price Service   |
| CR SVC                   | = Cost Reimbursement Service  |
| FP CON                   | = Fixed-Price Construction  |
| CR CON                   | = Cost Reimbursement Construction   |
| T&M LH                   | = Time & Material/Labor Hours   |
| LMV                      | = Leasing of Motor Vehicles   |
| COM SVC                  | = Communication Services  |
| DDR                      | = Dismantling, Demolition, or Removal of Improvements                         |
| A&E                      | = Architect-Engineering   |
| FAC                      | = Facilities  |
| IND DEL                  | = Indefinite Delivery   |
| TRN                      | = Transportation  |
| SAP                      | = Simplified Acquisition Procedures (excluding micro-purchase)                |
| UTL SVC                  | = Utility Services  |
| CI                       | = Commercial Items  |
| <u>Contract Purpose:</u> |   |
| R                        | = Required  |
| A                        | = Required when Applicable  |
| O                        | = Optional  |
| ✓                        | = Revision  |

| PROVISION OR CLAUSE  | PRESCRIBED IN              | PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT |     |     |        |        |        |        |        |        |        |        |        |     |         |     |     |     |         |     |     |         |    |
|--|----------------------------|---|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----|---------|-----|-----|-----|---------|-----|-----|---------|----|
|  |                            | 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 |
| <a href="#">52.202-1</a> Definitions.  | <a href="#">2.201</a>      | C   | Yes | I   | R      | R      | A      | R      | R      | R      | R      | R      | R      | R   | R       | R   | R   | R   | R       | R   | R   | R       | R  |
| <a href="#">52.203-2</a> Certificate of Independent Price Determination.   | <a href="#">3.103-1</a>    | P   | No  | K   | A      |        | A      |        | A      |        | A      |        |        | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-3</a> Gratuities.   | <a href="#">3.202</a>      | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-5</a> Covenant Against Contingent Fees.   | <a href="#">3.404</a>      | C   | Yes | I   | R      | R      | R      | R      | R      | R      | R      | R      | R      | R   | R       | R   | R   | R   | R       | R   |     | R       |    |
| <a href="#">52.203-6</a> Restrictions on Subcontractor Sales to the Government.                                      | <a href="#">3.503-2</a>    | C   | Yes | I   | R      | R      |        |        | R      | R      |        |        |        |     |         |     |     |     | R       |     |     | R       |    |
| Alternate I  | <a href="#">3.503-2</a>    | C   | Yes |     |        |        |        |        |        |        |        |        |        |     |         |     |     |     |         |     |     |         | R  |
| <a href="#">52.203-7</a> Anti-Kickback Procedures.   | <a href="#">3.502-3</a>    | C   | Yes | I   | R      | R      | R      | R      | R      | R      | R      | R      | R      | R   | R       | R   | R   | R   | R       | R   |     | R       |    |
| <a href="#">52.203-8</a> Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity.           | <a href="#">3.104-9(a)</a> | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-10</a> Price or Fee Adjustment for Illegal or Improper Activity.                                  | <a href="#">3.104-9(b)</a> | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-11</a> Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions. | <a href="#">3.808(a)</a>   | P   | Yes | K   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.203-12</a> Limitation on Payments to Influence Certain Federal Transactions.                          | <a href="#">3.808(b)</a>   | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.204-1</a> Approval of Contract.   | <a href="#">4.103</a>      | C   | No  | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |

| PROVISION OR CLAUSE   | PRESCRIBED IN  | PRINCIPLE TYPE AND/OR PURPOSE OF CONTRACT |     |     |        |        |        |        |        |        |        |        |        |     |         |     |     |     |         |     |     |         |    |
|---|--|---|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----|---------|-----|-----|-----|---------|-----|-----|---------|----|
|   |  | 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 |
| <a href="#">52.204-2</a> Security Requirements.                                     | <a href="#">4.404(a)</a>                                 | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |
| Alternate I   | <a href="#">4.404(b)</a>                                 | C   | Yes | I   |        |        |        | A      |        |        |        |        |        |     |         |     |     |     |         |     |     |         |    |
| Alternate II  | <a href="#">4.404(c)</a>                                 | C   | Yes | I   |        |        |        |        |        | A      | A      |        |        |     |         |     | A   | A   |         |     |     |         |    |
| <a href="#">52.204-3</a> Taxpayer Identification.                                   | <a href="#">4.905</a>                                    | P   | No  | K   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |
| <a href="#">52.204-4</a> Printed or Copied Double-Sided on Recycled Paper.          | <a href="#">4.303</a>                                    | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       | A  |
| <a href="#">52.204-5</a> Women-Owned Business (Other Than Small Business)           | <a href="#">4.603(b)</a>                                 | P   | Yes | K   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   |     | A       |    |
| <a href="#">52.204-6</a> Data Universal Numbering System (DUNS) Number.             | <a href="#">4.603(a)</a>                                 | P   | Yes | L   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |
| <a href="#">52.204-7</a> Central Contractor Registration.                           | <a href="#">4.1104</a>                                   | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |
| <a href="#">52.204-8</a> Annual Representations and Certifications                  | <a href="#">4.1202</a>                                   | P   | No  | K   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |
| <a href="#">52.204-9</a> Personal Identity Verification of Contractor Personnel.    | <a href="#">4.1303</a> ✓                                 | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      |        | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |
| <a href="#">52.204-10</a> Reporting Subcontract Awards                              | <a href="#">4.1401(a)</a>                                | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   |         | A   |     | A       |    |
| <a href="#">52.207-1</a> Notice of Standard Competition.                            | <a href="#">7.305(a)</a>                                 | P   | Yes | L   | A      |        | A      |        | A      |        | A      |        |        | A   | A       | A   |     |     |         | A   |     |         |    |
| <a href="#">52.207-2</a> Notice of Streamlined Competition.                         | <a href="#">7.305(b)</a>                                 | P   | Yes | L   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   |     | A       | A   |     | A       |    |
| <a href="#">52.207-3</a> Right of First Refusal of Employment.                      | <a href="#">7.305(c)</a>                                 | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   |     | A       | A   |     | A       |    |
| <a href="#">52.207-4</a> Economic Purchase Quantity—Supplies.                       | <a href="#">7.203</a>                                    | P   | No  | K   | A      | A      |        |        |        |        |        |        |        |     |         |     |     |     |         | A   |     | A       |    |
| <a href="#">52.207-5</a> Option to Purchase Equipment.                              | <a href="#">7.404</a>                                    | C   | Yes | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       | A  |
| <a href="#">52.208-4</a> Vehicle Lease Payments.                                    | <a href="#">8.1104(a)</a>                                | C   | Yes | I   |        |        |        |        |        |        |        |        |        | A   |         |     |     |     |         |     |     | A       |    |
| <a href="#">52.208-5</a> Condition of Leased Vehicles.                              | <a href="#">8.1104(b)</a>                                | C   | Yes | I   |        |        |        |        |        |        |        |        |        | A   |         |     |     |     |         |     |     | A       |    |
| <a href="#">52.208-6</a> Marking of Leased Vehicles.                                | <a href="#">8.1104(c)</a>                                | C   | Yes | I   |        |        |        |        |        |        |        |        |        | A   |         |     |     |     |         |     |     | A       |    |
| <a href="#">52.208-7</a> Tagging of Leased Vehicles.                                | <a href="#">8.1104(d)</a>                                | C   | Yes | I   |        |        |        |        |        |        |        |        |        | A   |         |     |     |     |         |     |     | A       |    |
| <a href="#">52.208-8</a> Required Sources for Helium and Helium Usage Data.         | <a href="#">8.505</a>                                    | C   | No  | I   | A      | A      | A      | A      | A      | A      | A      | A      | A      | A   | A       | A   | A   | A   | A       | A   | A   | A       |    |
| <a href="#">52.208-9</a> Contractor Use of Mandatory Sources of Supply or Services. | <a href="#">8.004</a>                                    | C   | Yes | I   | A      | A      |        |        |        |        |        |        |        |     |         |     |     |     |         | A   |     | A       |    |
| <a href="#">52.209-1</a> Qualification Requirements.                                | <a href="#">9.206-2</a>                                  | C   | No  | I   | A      | A      |        |        | A      | A      |        |        |        | A   |         |     |     |     |         | A   |     | A       |    |
| <a href="#">52.209-3</a> First Article Approval—Contractor Testing.                 | <a href="#">9.308-1(a)(1)</a> and <a href="#">(b)(1)</a> | C   | Yes | I   | A      | O      |        |        |        |        |        |        |        | A   |         |     |     |     |         | A   |     | A       |    |
| Alternate I   | <a href="#">9.308-1(a)(2)</a> and <a href="#">(b)(2)</a> | C   | Yes | I   | A      | O      |        |        |        |        |        |        |        | A   |         |     |     |     |         | A   |     | A       |    |
| Alternate II  | <a href="#">9.308-2(a)(3)</a> and <a href="#">(b)(3)</a> | C   | Yes | I   | A      | O      |        |        |        |        |        |        |        | A   |         |     |     |     |         | A   |     | A       |    |