

20 July 2022

This is the Military Sealift Command Norfolk, Strategic Sealift Program Support Office

**SOURCES SOUGHT NOTICES, RFP'S, AMENDMENTS AND CONTRACT AWARDS
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PROFORMA DOCUMENTS WILL BE MADE AVAILABLE UPON REQUEST.

Subj: RFP N3220522R4125

Ref: (a) SF 1449
(b) MSC TANKVOY 2020 (Rev. 3 (02-22))

This acquisition is being conducted under FAR 13.5 Simplified Procedures for Certain Commercial Items. Only FAR Part 13 procedures will be used to solicit and evaluate offerors. Per FAR 52.216-1, the Government contemplates award of a firm-fixed-price contract resulting from this solicitation.

MSC Strategic Sealift Program Support Office, N103A, requests proposals for vessel(s) capable of meeting the transportation requirements described below. The paragraph numbers below apply to the box layout of references (a) and (b), which are incorporated herein by reference (available on the MSC web site at <https://www.msc.navy.mil>, under "Contracts," then "Proforma," or upon request), and shall be the charter form of any contract resulting from this solicitation. By submission of a proposal, the offeror confirms agreement with all terms and conditions of this solicitation and the charter form, unless otherwise identified therein.

Notes:

1. EACH OWNER/OFFEROR SHALL SUBMIT ONLY ONE VESSEL. SUBSTITUTIONS FOR VESSELS WILL BE ALLOWED UP UNTIL SUBMISSION OF FINAL PROPOSALS IF COMMUNICATIONS ARE HELD AND FINAL PROPOSALS ARE REQUESTED (SEE TANKVOY PART X(g)).
2. DUE TO INCREASED E-MAIL SECURITY, IT MAY TAKE LONGER FOR E-MAILS TO BE RECEIVED IN THE APPROPRIATE IN-BOX, ESPECIALLY WHEN AN E-MAIL IS HOSTED IN A FOREIGN COUNTRY; SOME E-MAILS ARE DELAYED IN EXCESS OF HOURS. OFFERORS ARE ENCOURAGED TO SUBMIT OFFERS AS SOON AS POSSIBLE. NO JPEG FILES.

A. STANDARD FORM 1449 BOXES

I. Standard Form 1449 Boxes

2. Contract No.: Will be provided upon award
5. Solicitation No.: N3220522R4125
6. Solicitation Issue Date: 20 July 2022
7. For Solicitation Information and Submittal of Proposals/Offers: E-mail Leon Hazley, leon.g.hazley.civ@us.navy.mil; 757 443-3862
8. Offer Due Date: **Wednesday, 27 July 2022, at 1100 Eastern Time**
9. Issued by: Military Sealift Command Norfolk, 471 East C Street, Bldg. SP 64, Naval Station Norfolk, Norfolk, VA 23511-2419 (Code: N32205)
10. This Acquisition is: Unrestricted; NAICS Code: 483111
14. Method of Solicitation: RFP
- 18a. Payment will be made by: ERP DFAS-CL (PAY DoDAAC N50082) or DFAS-One Pay (Pay DoDAAC N68732). Submit electronic invoices IAW Part VIII(6) DFARS 252.232-7006 Wide Area Work Flow Payment Instructions.
- 18b. Submit invoices to: See Part VIII(7) MSC Wide Area Work Flow (WAWF) Instructions.
- 27a. Solicitation incorporates by full text FAR 52.212-1, 52.212-3 Alt I, 52.212-4 and 52.212-5, tailored as indicated and appropriate.

PART I - TANKVOY BOXES:

1. **VESSEL(S) REQUIRED:**

One, clean, approved, U.S. or foreign flag, double-hull tanker, with an Inert Gas System (IGS) and Segregated Ballast Tanks (SBT) that is capable of carrying a minimum of 185,000 bbls of clean product (intentions JA1) within vessel's natural segregation in designated cargo tanks with double valve isolation and with the following minimum particulars:

- a) 1. There is a classified requirement in this solicitation. Owner / Offeror or their representative, with appropriate security clearances in place, must submit to the Contracting Officer a request to review the classified requirement within one business day of the issuance of this solicitation and then must make the necessary arrangements at their expense to view the classified requirement at appointed place and time provided, which must be prior to the solicitation response date and time. The opportunity to review the classified requirement will be lost if the Contracting Officer does not receive a request on time or if the Owner / Offeror misses the appointment.
2. Offers will be considered against this requirement before any other evaluation. An offer found not acceptable with this requirement will not be further evaluated. Owner / Offeror will be notified if their offers were excluded because of this requirement.

3. There is no requirement to review the classified requirement prior to submitting an offer. Not reviewing the requirement prior to submitting an offer will not in and of itself render an offer ineligible for award.

b) Health and Safety Requirements:

1. Owner / Offeror shall provide the MSC Area Commander with any report required under U.S. Coast Guard Marine Safety Information Bulletin 02-20 (Change 7) (requiring hazardous conditions be reported), prior to entering the port.

2. Owner / Offeror shall provide in its proposal its company's health and safety plans for its crew, related to the novel coronavirus for this mission. The plan will become part of the contract.

3. With respect to Restriction of Movement (ROM) procedures/COVID testing provisions, this portion of the plan will be evaluated to ensure it meets or exceeds MSC QMS requirements and provisions as it relates to routine crew rotations; the MSC QMS is available upon request. An unacceptable plan as it relates to routine crew rotations will render an offer ineligible for award. Alternatively, in lieu of having their ROM procedures/COVID testing provisions evaluated as part of contract award, or meeting MSC QMS requirements, an Owner / Offeror may warrant that they will not conduct any routine crew changes during the course of the charter.

4. Any and all costs related to all crew changes/rotations shall be for the responsibility and account of the Owner/ Offeror, who shall notify the Contracting Officer not later than two weeks prior to the crew change/rotation.

5. Owner / Offeror is advised that due to the time-sensitive and critical nature of the mission, including environmental factors, the Excusable Delay provision shall not apply if delay was caused by a breach of Owner's Health and Safety Plan cited above, or was otherwise reasonably preventable by following U.S. Coast Guard or Center for Disease Control COVID-19 guidelines in publication at the time of breach.

6. Owner / Offeror agrees that crew and other embarked personnel may be ordered by the charterer to stay aboard the vessel during port visits under this charter as deemed necessary by the charterer or local government authorities. Further, the Owner / Offeror agrees that the charterer may limit access to the vessel by any shore-side personnel upon the vessel's port calls during this charter.

7. Owner / Offeror agrees to have a minimum of three COVID-19 rapid test kits per crew member onboard the ship upon delivery or upon tendering Notice of Readiness as applicable.

- c) Vessel must be a party to the Ship Inspection Report (SIRE) System, and Owner / Offeror must provide a copy of a Q-88 with a date no earlier than 60 days prior to offer submission.
- d) Vessel Age – see TANKVOY 2020 (Rev. 3 (02-22)) Part II(o)(8) Age of Vessel.
- e) Vessel's Q-88 must detail current acceptances and dates of inspection. There shall be at least one SIRE inspection not more than six months prior to the commencement of laydays under this charter; Owner / Offeror shall confirm that such inspections were satisfactory.
- f) Vessel must have a SBT.
- g) Vessel must have an IGS.
- h) Vessel cannot exceed a maximum LOA of 200 meters.
- i) Vessel cannot exceed a maximum DWT of 80,000 MT. Re-measuring DWT at load port is not permitted.
- j) Vessel cannot exceed a maximum displacement of 58,930 MT at the loading terminal.
- k) Vessel freeboard must be below 17 meters when arriving in ballast to the Port of Sitra.
- l) Vessel cannot exceed a maximum manifold height above the waterline of 14 meters while laden for discharging at the port of Mesaieed.
- m) Owner / Offeror must provide a copy of vessel's current Class Society issued Safety Management Certificate.
- n) Owner / Offeror must provide a copy of vessel's current Flag State issued International Ship Security Certificate.
- o) Owner / Offeror must provide a copy of vessel's current USCG COI (if applicable), or the Flag State equivalent, such certificate shall be current and not expire throughout the duration of the charter.
- p) Owner / Offeror must provide vessel stowage plan demonstrating vessel's ability to load a minimum of 185,000 bbls JA1 with a maximum draft of 12.3 meters.
- q) Owner / Offeror must provide vessel itinerary from offer submission to intended arrival at load port.
- r) The proposed vessel's cargo tanks that are nominated by the Owner / Offeror to load the intended cargo must be compatible with the intended cargo. This compatibility will be

assessed using the DLA-E Minimum Requirements for Preparation of Cargo Tanks Table 09-30-2021, hereby incorporated into the RFP and available upon request. The assessment for compatibility will be conducted on the basis of the Certificates of Quality for the vessel's last three cargoes.

- s) Owner / Offeror must confirm upon arrival at the load port, the vessel shall be in a clean, gas-free condition and ready for internal tank inspection of the cargo tanks, which will be used to carry this product. These tanks and all additional cargo tanks, ballast tanks, slop tanks and/or void spaces adjacent to these tanks shall be clean and certified as gas free by a Certified Marine Chemist for the tank inspection prior to the ship being allowed to load the Government's cargo. The Owner / Offeror shall provide at their expense a Certified Marine Chemist to certify the ship's tanks are safe for entry for the internal tank inspection by the Government and/or Charterer representative. The Certified Marine Chemist must enter all the ship's cargo tanks in advance of the Quality Assurance Representative (QAR) and perform a full four-corner entry inspection. Certified Marine Chemist's inspection must include all tank pockets identified by the QAR to the satisfaction of the QAR. If a prior (last, 2nd to last, or 3rd to last) cargo contained a percentage of benzene, the Owner's / Offeror's Certified Marine Chemist must arrive to the vessel equipped with benzene detection tubes to measure toxicity for benzene content. Acceptable benzene levels are as follows: (1) The maximum time-weighted average (TWA) exposure limit is 1 part of benzene vapor per million parts of air (1 ppm) average for an 8-hour workday; and (2) the maximum short-term exposure limit (STEL) is 5 ppm for any 15-minute period. Gasoline tanks, after cleaning should be ventilated with forced air or acceptable means for as long as possible to ensure levels are reduced enough to allow entry. All safe for entry / toxicity / flammability assessments shall be performed in the presence of the inspecting QAR. Owner / Offeror shall provide time needed to re-inert after inspection.
- t) Owner / Offeror must provide, if vessel cargo tanks have heating coils, coil type or composition (such as stainless steel, copper, etc.). If vessel cargo tanks have heating coils, Owner / Offeror must provide the date heating coils were last pressure tested and the results of the test (passed or failed). To be eligible for award, the result of the last pressure test must be "pass," and the date of the last pressure test cannot exceed 12 months for the duration of this charter. Vessels that have cargo tanks with coils that are incompatible with the cargo to be carried will be rejected.
- u) If vessel cargo tanks are internally coated, Owner / Offeror shall provide the coating type (epoxy, inorganic zinc, etc.). Coal tar coating is not acceptable. If tanks are not coated then state "none". Coatings that are incompatible with the fuel to be carried will be rejected.
- v) Owner / Offeror shall provide copies of Certificates of Quality for last three cargoes. These certificates must contain all test data required by specification for the products that were previously loaded (last three). Vessel Certificates of Quality from vessel post-load samples are preferred, but if unavailable shore tank Certificates of Quality representing quality of

product loaded are acceptable. They shall be submitted for each shore tank as well as the vessel tanks after loading (composite sample). Results of “typical” are not acceptable. Additionally, the following are required for the specific products mentioned:

1. Naphtha / Condensates: Mercaptan Sulphur, reported in “parts per million” (ppm) or “mass percent”, or Doctor Test (ASTMD 4952). Otherwise, Certificates of Quality must contain the test data required by the specification for the products that were loaded.
 2. Gasoline (Motor or Aviation): It must be stated whether the previous product was “leaded” or “unleaded”. This is needed to determine cargo tank “safe entry” testing requirements.
 3. Fatty Acid Methyl Esters (FAME): The provisions of DLA “Minimum Requirements for Preparation of Cargo Tanks Table 09-30-2021,” Note 5 apply. When any of the last three non-DLA-E cargoes have consisted of diesel or heating oil products, FAME test (EN 14078 and ASTM D7371) results shall be provided for each applicable cargo; examples of diesel or heating oil products include, but are not limited to, ULSD, DF1, DF2, DS1, DS2, DSS, DSW, MGO, Gasoil, FS1, FS2, FS4, FS5, FS6, and IFO. In scenarios where FAME testing is not available for non-DLA-E cargoes, the applicable cargo shall be deemed to have contained FAME greater than 5 vol % and evaluation will be conducted under the Minimum Requirements for Preparation of Cargo Tanks Table 09-30-2021 under procedures for biodiesel blends greater than B5.
- w) Owner / Offeror shall confirm vessel is able to take upper, middle, lower, bottom, and all-level samples of the cargo (to include OBQ & ROB) without contaminating them from the sampling location. If unable to do so, or if the sampling location is contaminated or suspected to be contaminated, the Owner / Offeror agrees that the Charterer will require open sampling on a tank by tank basis, consistent with safety and local terminal regulations.
- x) Owner / Offeror agrees where cargo is carried after contract award and prior to delivery to provide cargo type/description prior to loading, and applicable Certificates of Quality (to include all test data required in the initial RFP) for review within 48 hours after loading said cargo. The test shall be on a sample taken from the ship versus a representative sample from a shore facility. Any rejection of the Certificates of Quality by the Government shall result in the Government cancelling this contract at no cost to the Government. This compatibility will be assessed using the DLA-E Minimum Requirements for Preparation of Cargo Tanks Table 09-30-2021, hereby incorporated into the RFP and available upon request.
- y) Vessel must meet all MSC requirements for reporting. Vessel shall provide position/status reports in-port and at-sea every six hours daily at 0000, 0600, 1200, and 1800 hours local Washington, DC time (GMT-5 EST/GMT-4 EDT) and 72/48/24/12 hr pre-arrival

notifications for all ports to Area Command and COMSC TANKERS. Reports shall be sent to the following email addresses:

1. CODY.KARBOWSKI@ME.NAVY.MIL
2. ESMERALDY.ARCE@ME.NAVY.MIL
3. ROBERT.GARDNER@ME.NAVY.MIL
4. MARCUS.L.GREEN@ME.NAVY.MIL
5. M-BA-MSCCENT-OPS@ME.NAVY.MIL
6. SEALOGCENT.OWO@ME.NAVY.MIL
7. MSC_BWC@US.NAVY.MIL
8. COMSC.TANKERS@NAVY.MIL
9. DESC-BIT@DLA.MIL

- z) Confirm that Owner / Offeror agree to all other terms and conditions as per TANKVOY 2020 (Rev. 3 (02-22)). Counters to TANKVOY 2020 (Rev. 3 (02-22)) terms are not acceptable until written confirmation is provided by the charter.

2. **CARGO DESCRIPTION:**

Minimum: 185,000 BBLS JA1

3. **INTENDED LOADING PORT(S)/PLACE(S):**

SITRA, BAHRAIN

PORT RESTRICTIONS (WOG):

| | |
|----------------------------|--------------------------------------|
| Maximum DWT: | 80,000 MT (Re-measuring not allowed) |
| Maximum Displacement: | 58,930 MT |
| Maximum LOA: | 250.00 Meters |
| Maximum Beam: | N/A |
| Maximum Draft: | 12.30 Meters |
| Maximum Manifold Height: | N/A |
| Arrival Freeboard Allowed: | 17.00 Meters |

4. **INTENDED DISCHARGE PORT(S)/PLACE(S):**

MESAIEED, QATAR

PORT RESTRICTIONS (WOG)

| | |
|--------------------------|---------------|
| Maximum DWT: | N/A |
| Maximum Displacement: | 60,000 MT |
| Maximum LOA: | 200.00 Meters |
| Maximum Beam: | N/A |
| Maximum Draft: | 12.30 Meters |
| Maximum Manifold Height: | 14.00 Meters |

5. **ROUTE:** N/A

6. **LAYDAYS:**

Commencing: 26 August 2022

Cancelling: 27 August 2022

7. **TERMS / CONDITIONS / ATTACHMENTS ADDED, DELETED OR MODIFIED:**

SPECIAL REQUIREMENTS; ADD THE FOLLOWING:

1. **Press Releases:** Owner / Offeror agrees not to issue any press releases related to the charter, post-award, pre-delivery/loading, or post-redelivery/discharging, without the approval of MSC.

2. **Vessel Name Release:** For the purpose of obtaining timely country clearance, vessel names under consideration for award may be released to partner U.S. or foreign government agencies prior to contract award.

PART (III)(k)(2) Duration; amend first sentence to read: Laytime of 216 hours total shall be permitted free of expense to the charterer for the purposes of loading and discharging cargo and for all other charterer's purposes.

<http://www.acquisition.gov/far/index.html>
<http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html>

REPLACE PART VI WITH THE FOLLOWING:

FAR 52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS-COMMERCIAL PRODUCTS AND COMMERCIAL SERVICES (MAY 2022)

(a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services:

(1) [52.203-19](#), Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(2) [52.204-23](#), Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Nov 2021) (Section 1634 of Pub. L. 115-91).

(3) [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232).

(4) [52.209-10](#), Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015).

(5) [52.233-3](#), Protest After Award (Aug 1996) ([31 U.S.C. 3553](#)).

(6) [52.233-4](#), Applicable Law for Breach of Contract Claim (Oct 2004) (Public Laws 108-77 and 108-78 ([19 U.S.C. 3805 note](#))).

(b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services:

[Contracting Officer check as appropriate.]

XX (1) [52.203-6](#), Restrictions on Subcontractor Sales to the Government (Jun 2020), with *Alternate I* (Nov 2021) ([41 U.S.C. 4704](#) and [10 U.S.C. 2402](#)).

___ (2) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Nov 2021) ([41 U.S.C. 3509](#))).

___ (3) [52.203-15](#), Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)

XX (4) [52.204-10](#), Reporting Executive Compensation and First-Tier Subcontract Awards (Jun 2020) (Pub. L. 109-282) ([31 U.S.C. 6101 note](#)).

___ (5) [Reserved].

XX (6) [52.204-14](#), Service Contract Reporting Requirements (Oct 2016) (Pub. L. 111-117, section 743 of Div. C).

___ (7) [52.204-15](#), Service Contract Reporting Requirements for Indefinite-Delivery Contracts (Oct 2016) (Pub. L. 111-117, section 743 of Div. C).

XX (8) [52.209-6](#), Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Nov 2021) ([31 U.S.C. 6101 note](#)).

XX (9) [52.209-9](#), Updates of Publicly Available Information Regarding Responsibility Matters (Oct 2018) ([41 U.S.C. 2313](#)).

___ (10) [Reserved].

___ (11) [52.219-3](#), Notice of HUBZone Set-Aside or Sole-Source Award (Sep 2021) ([15 U.S.C. 657a](#)).

___ (12) [52.219-4](#), Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Sep 2021) (if the offeror elects to waive the preference, it shall so indicate in its offer) ([15 U.S.C. 657a](#)).

___ (13) [Reserved]

___ (14) (i) [52.219-6](#), Notice of Total Small Business Set-Aside (Nov 2020) ([15 U.S.C. 644](#)).

___ (ii) Alternate I (Mar 2020) of [52.219-6](#).

___ (15) (i) [52.219-7](#), Notice of Partial Small Business Set-Aside (Nov 2020) ([15 U.S.C. 644](#)).

___ (ii) Alternate I (Mar 2020) of [52.219-7](#).

___ (16) [52.219-8](#), Utilization of Small Business Concerns (Oct 2018) ([15 U.S.C. 637\(d\)\(2\)](#) and (3)).

___ (17) (i) [52.219-9](#), Small Business Subcontracting Plan (Nov 2021) ([15 U.S.C. 637\(d\)\(4\)](#)).
 ___ (ii) Alternate I (Nov 2016) of [52.219-9](#).
 ___ (iii) Alternate II (Nov 2016) of [52.219-9](#).
 ___ (iv) Alternate III (Jun 2020) of [52.219-9](#).
 ___ (v) Alternate IV (Sep 2021) of [52.219-9](#).
 ___ (18) (i) [52.219-13](#), Notice of Set-Aside of Orders (Mar 2020) ([15 U.S.C. 644\(r\)](#)).
 ___ (ii) Alternate I (Mar 2020) of [52.219-13](#).
 ___ (19) [52.219-14](#), Limitations on Subcontracting (Sep 2021) ([15 U.S.C. 637s](#)).
 ___ (20) [52.219-16](#), Liquidated Damages—Subcontracting Plan (Sep 2021) ([15 U.S.C. 637\(d\)\(4\)\(F\)\(i\)](#)).
 ___ (21) [52.219-27](#), Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Sep 2021) ([15 U.S.C. 657f](#)).
 ___ (22) (i) [52.219-28](#), Post Award Small Business Program Rerepresentation (Sep 2021) ([15 U.S.C. 632\(a\)\(2\)](#)).
 ___ (ii) Alternate I (Mar 2020) of [52.219-28](#).
 ___ (23) [52.219-29](#), Notice of Set-Aside for, or Sole-Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (Sep 2021) ([15 U.S.C. 637\(m\)](#)).
 ___ (24) [52.219-30](#), Notice of Set-Aside for, or Sole-Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (Sep 2021) ([15 U.S.C. 637\(m\)](#)).
 ___ (25) [52.219-32](#), Orders Issued Directly Under Small Business Reserves (Mar 2020) ([15 U.S.C. 644\(r\)](#)).
 ___ (26) [52.219-33](#), Nonmanufacturer Rule (Sep 2021) ([15 U.S.C. 637\(a\)\(17\)](#)).
 ___ (27) [52.222-3](#), Convict Labor (Jun 2003) (E.O.11755).
 ___ (28) [52.222-19](#), Child Labor-Cooperation with Authorities and Remedies (Jan2022) (E.O.13126).
XX (29) [52.222-21](#), Prohibition of Segregated Facilities (Apr 2015).
XX (30) (i) [52.222-26](#), Equal Opportunity (Sep 2016) (E.O.11246).
 ___ (ii) Alternate I (Feb 1999) of [52.222-26](#).
 ___ (31) (i) [52.222-35](#), Equal Opportunity for Veterans (Jun 2020) ([38 U.S.C. 4212](#)).
 ___ (ii) Alternate I (Jul 2014) of [52.222-35](#).
 ___ (32) (i) [52.222-36](#), Equal Opportunity for Workers with Disabilities (Jun 2020) ([29 U.S.C. 793](#)).
 ___ (ii) Alternate I (Jul 2014) of [52.222-36](#).
 ___ (33) [52.222-37](#), Employment Reports on Veterans (Jun 2020) ([38 U.S.C. 4212](#)).
 ___ (34) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).
XX (35) (i) [52.222-50](#), Combating Trafficking in Persons (Nov 2021) ([22 U.S.C. chapter 78](#) and E.O. 13627).
 ___ (ii) Alternate I (Mar 2015) of [52.222-50](#) ([22 U.S.C. chapter 78](#) and E.O. 13627).
 ___ (36) [52.222-54](#), Employment Eligibility Verification (Nov 2021) . (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or

certain other types of commercial products or commercial services as prescribed in FAR [22.1803](#).)

___ (37) (i) [52.223-9](#), Estimate of Percentage of Recovered Material Content for EPA–Designated Items (May 2008) ([42 U.S.C. 6962\(c\)\(3\)\(A\)\(ii\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

___ (ii) Alternate I (May 2008) of [52.223-9](#) ([42 U.S.C. 6962\(i\)\(2\)\(C\)](#)). (Not applicable to the acquisition of commercially available off-the-shelf items.)

___ (38) [52.223-11](#), Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Jun 2016) (E.O. 13693).

___ (39) [52.223-12](#), Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (Jun 2016) (E.O. 13693).

___ (40)(i) [52.223-13](#), Acquisition of EPEAT®-Registered Imaging Equipment (Jun 2014) (E.O.s 13423 and 13514).

___ (ii) Alternate I (Oct 2015) of [52.223-13](#).

___ (41) (i) [52.223-14](#), Acquisition of EPEAT®-Registered Televisions (Jun 2014) (E.O.s 13423 and 13514).

___ (ii) Alternate I (Jun 2014) of [52.223-14](#).

___ (42) [52.223-15](#), Energy Efficiency in Energy-Consuming Products (May 2020) ([42 U.S.C. 8259b](#)).

___ (43) (i) [52.223-16](#), Acquisition of EPEAT®-Registered Personal Computer Products (Oct 2015) (E.O.s 13423 and 13514).

___ (ii) Alternate I (Jun 2014) of [52.223-16](#).

XX (44) [52.223-18](#), Encouraging Contractor Policies to Ban Text Messaging While Driving (Jun 2020) (E.O. 13513).

___ (45) [52.223-20](#), Aerosols (Jun 2016) (E.O. 13693).

___ (46) [52.223-21](#), Foams (Jun 2016) (E.O. 13693).

___ (47) (i) [52.224-3](#) Privacy Training (Jan 2017) (5 U.S.C. 552 a).

___ (ii) Alternate I (Jan 2017) of [52.224-3](#).

___ (48) [52.225-1](#), Buy American-Supplies (Nov 2021) ([41 U.S.C. chapter 83](#)).

___ (49) (i) [52.225-3](#), Buy American-Free Trade Agreements-Israeli Trade Act (Nov 2021) ([41 U.S.C. chapter 83](#), [19 U.S.C. 3301](#) note, [19 U.S.C. 2112](#) note, [19 U.S.C. 3805](#) note, [19 U.S.C. 4001](#) note, Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43).

___ (ii) Alternate I (Jan 2021) of [52.225-3](#).

___ (iii) Alternate II (Jan 2021) of [52.225-3](#).

___ (iv) Alternate III (Jan 2021) of [52.225-3](#).

___ (50) [52.225-5](#), Trade Agreements (Oct 2019) ([19 U.S.C. 2501](#), *et seq.*, [19 U.S.C. 3301](#) note).

XX (51) [52.225-13](#), Restrictions on Certain Foreign Purchases (Feb 2021) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

___ (52) [52.225-26](#), Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; [10 U.S.C. 2302Note](#)).

___ (53) [52.226-4](#), Notice of Disaster or Emergency Area Set-Aside (Nov2007) ([42 U.S.C. 5150](#)).

___ (54) [52.226-5](#), Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov2007) ([42 U.S.C. 5150](#)).

XX (55) [52.229-12](#), Tax on Certain Foreign Procurements (Feb 2021).

___ (56) [52.232-29](#), Terms for Financing of Purchases of Commercial Products and Commercial Services (Nov 2021) ([41 U.S.C. 4505](#), [10 U.S.C. 2307\(f\)](#)).

___ (57) [52.232-30](#), Installment Payments for Commercial Products and Commercial Services (Nov 2021) ([41 U.S.C. 4505](#), [10 U.S.C. 2307\(f\)](#)).

XX (58) [52.232-33](#), Payment by Electronic Funds Transfer-System for Award Management (Oct2018) ([31 U.S.C. 3332](#)).

___ (59) [52.232-34](#), Payment by Electronic Funds Transfer-Other than System for Award Management (Jul 2013) ([31 U.S.C. 3332](#)).

___ (60) [52.232-36](#), Payment by Third Party (May 2014) ([31 U.S.C. 3332](#)).

___ (61) [52.239-1](#), Privacy or Security Safeguards (Aug 1996) ([5 U.S.C. 552a](#)).

___ (62) [52.242-5](#), Payments to Small Business Subcontractors (Jan 2017) ([15 U.S.C. 637\(d\)\(13\)](#)).

XX (63) (i) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) ([46 U.S.C. 55305](#) and [10 U.S.C. 2631](#)).

XX (ii) Alternate I (Apr 2003) of [52.247-64](#).

___ (iii) Alternate II (Nov 2021) of [52.247-64](#).

(c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial products and commercial services:

[Contracting Officer check as appropriate.]

___ (1) [52.222-41](#), Service Contract Labor Standards (Aug 2018) ([41 U.S.C. chapter 67](#)).

___ (2) [52.222-42](#), Statement of Equivalent Rates for Federal Hires (May 2014) ([29 U.S.C. 206](#) and [41 U.S.C. chapter 67](#)).

___ (3) [52.222-43](#), Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (Aug 2018) ([29 U.S.C. 206](#) and [41 U.S.C. chapter 67](#)).

___ (4) [52.222-44](#), Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (May 2014) ([29U.S.C.206](#) and [41 U.S.C. chapter 67](#)).

___ (5) [52.222-51](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) ([41 U.S.C. chapter 67](#)).

___ (6) [52.222-53](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) ([41 U.S.C. chapter 67](#)).

___ (7) [52.222-55](#), Minimum Wages Under Executive Order 13658 (Nov 2020).

— (8) [52.222-62](#), Paid Sick Leave Under Executive Order 13706 (Jan 2017) (E.O. 13706).

— (9) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) ([42 U.S.C. 1792](#)).

(d) *Comptroller General Examination of Record*. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, as defined in FAR [2.101](#), on the date of award of this contract, and does not contain the clause at [52.215-2](#), Audit and Records-Negotiation.

(1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.

(2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR subpart [4.7](#), Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.

(3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.

(e) (1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial products or commercial services. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause-

(i) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Nov 2021) ([41 U.S.C. 3509](#)).

(ii) [52.203-19](#), Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(iii) [52.204-23](#), Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Nov 2021) (Section 1634 of Pub. L. 115-91).

(iv) [52.204-25](#), Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment. (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232).

(v) [52.219-8](#), Utilization of Small Business Concerns (Oct 2018) ([15 U.S.C. 637\(d\)\(2\)](#) and (3)), in all subcontracts that offer further subcontracting opportunities. If the subcontract (except subcontracts to small business concerns) exceeds the applicable threshold specified in FAR [19.702](#)(a) on the date of subcontract award, the

subcontractor must include [52.219-8](#) in lower tier subcontracts that offer subcontracting opportunities.

- (vi) [52.222-21](#), Prohibition of Segregated Facilities (Apr 2015).
 - (vii) [52.222-26](#), Equal Opportunity (Sep 2015) (E.O.11246).
 - (viii) [52.222-35](#), Equal Opportunity for Veterans (Jun 2020) ([38 U.S.C. 4212](#)).
 - (ix) [52.222-36](#), Equal Opportunity for Workers with Disabilities (Jun 2020) ([29 U.S.C. 793](#)).
 - (x) [52.222-37](#), Employment Reports on Veterans (Jun 2020) ([38 U.S.C. 4212](#)).
 - (xi) [52.222-40](#), Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause [52.222-40](#).
 - (xii) [52.222-41](#), Service Contract Labor Standards (Aug 2018) ([41 U.S.C. chapter 67](#)).
 - (xiii) (A) [52.222-50](#), Combating Trafficking in Persons (Nov 2021) ([22 U.S.C. chapter 78](#) and E.O 13627).
 - (B) Alternate I (Mar 2015) of [52.222-50](#) ([22 U.S.C. chapter 78](#) and E.O. 13627).
 - (xiv) [52.222-51](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May2014) ([41 U.S.C. chapter 67](#)).
 - (xv) [52.222-53](#), Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) ([41 U.S.C. chapter 67](#)).
 - (xvi) [52.222-54](#), Employment Eligibility Verification (Nov 2021) (E.O. 12989).
 - (xvii) [52.222-55](#), Minimum Wages Under Executive Order 13658 (Nov 2020).
 - (xviii) [52.222-62](#), Paid Sick Leave Under Executive Order 13706 (Jan 2017) (E.O. 13706).
 - (xix) (A) [52.224-3](#), Privacy Training (Jan 2017) ([5 U.S.C. 552a](#)).
 - (B) Alternate I (Jan 2017) of [52.224-3](#).
 - (xx) [52.225-26](#), Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; [10 U.S.C. 2302 Note](#)).
 - (xxi) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) ([42 U.S.C. 1792](#)). Flow down required in accordance with paragraph (e) of FAR clause 52.226-6.
 - (xxii) [52.247-64](#), Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) ([46 U.S.C. 55305](#) and [10 U.S.C. 2631](#)). Flow down required in accordance with paragraph (d) of FAR clause 52.247-64.
- (2) While not required, the Contractor may include in its subcontracts for commercial products and commercial services a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of clause)

http://www.acquisition.gov/far/current/html/52_212_213.html

PART VIII ADDITIONAL FAR AND DFARS CLAUSES; Amend/Add the following:

VIII(b)(42) DFARS 252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services – CHECK

PART VIII(c)(6) DFARS 252.232-7006 Wide Area Work Flow Payment Instructions;

PART VIII(c)(6)(f)(1)(ii)(A) **Not Applicable**

PART VIII(c)(6)(f)(1)(ii)(B) **Invoice 2-in-1**

PART VIII(c)(6)(F)(3): Document routing: The Contractor shall use the information in the Routing Data Table below only to fill in applicable fields in WAWF when creating payment requests and receiving reports in the system.

A. Routing Data Table for U.S. Banks / U.S. Currency:

| <i>Field Name in WAWF</i> | <i>Data to be entered in WAWF</i> |
|---------------------------|-----------------------------------|
| Pay Official DoDAAC | N50082 |
| Issue By DoDAAC | Leave Blank |
| Admin DoDAAC | N62387 |
| Inspect By DoDAAC | N62387 |
| Ship To Code | N62387 |
| Ship From Code | Leave Blank |
| Mark For Code | Leave Blank |
| Service Approver (DoDAAC) | N62387 |
| Service Acceptor (DoDAAC) | N62387 |
| Accept at Other DoDAAC | Leave Blank |
| LPO DoDAAC | N62387 |
| DCAA Auditor DoDAAC | Leave Blank |
| Other DoDAAC(s) | Leave Blank |

B. Routing Data Table for Foreign Banks / Foreign Currency:

| <i>Field Name in WAWF</i> | <i>Data to be entered in WAWF</i> |
|---------------------------|-----------------------------------|
| Pay Official DoDAAC | N68732 |
| Issue By DoDAAC | Leave Blank |
| Admin DoDAAC | N62387 |
| Inspect By DoDAAC | N62387 |
| Ship To Code | N62387 |
| Ship From Code | Leave Blank |

| | |
|---------------------------|-------------|
| Mark For Code | Leave Blank |
| Service Approver (DoDAAC) | N62387 |
| Service Acceptor (DoDAAC) | N62387 |
| Accept at Other DoDAAC | Leave Blank |
| LPO DoDAAC | N62387 |
| DCAA Auditor DoDAAC | Leave Blank |
| Other DoDAAC(s) | Leave Blank |

PART IX. ATTACHMENTS – TANKER VOYAGE CHARTER; Add the following:

(e) DFARS 252.204-7017 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services—Representation (MAY 2021)

Offerors shall comply with all parts of the solicitation and shall use the guidelines set forth in Part X for submission of offers.

**PART XIII. OFFEROR REPRESENTATIONS AND CERTIFICATIONS
REQUIRED BY DFARS**

XIII(b)(4) DFARS 252.204-7017 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services—Representation (MAY 2021)

SIGNED: ROBBIN JEFFERSON, CONTRACTING OFFICER, MSC, N103A