
SECTION I CONTRACT CLAUSES

**Corrected Fill-In Information
For
FA8604-19-R-8101
Luaghlin AFB, Texas**

The following clause is **NOT** applicable to this solicitation: FAR 52.222-58 Subcontractor Responsibility Matters Regarding Compliance with Labor Laws (Executive Order 13673) (Dec 2016)

The following clause is incorporated by reference: FAR 52.212-04 Contract Terms and Conditions-- Commercial Items (Oct 2018)

The following clauses are corrections to the FILL-IN portions of the associated cluases:

FAR 52.212-04 ADDENDUM TO CONTRACT TERMS AND CONDITIONS— COMMERCIAL ITEMS (Oct 2018)

The following information is a correction to the “fill-in” portions of the cited clause only. The offeror is expected to comply with the enitre clause and not just the cited “fill-in” portion of the cited clause.

52.212-4, Contract Terms and Conditions -- Commercial Items is hereby tailored as follows:

(a) The place of inspection, acceptance, and FOB is **Laughlin AFB, Texas**.

**47 OSS/OSL
570 Barnes Street
Building 320, 1197
Laughlin AFB, TX 78843
Del Rio (Local City)**

FAR 52.212-05 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS--COMMERCIAL ITEMS (Jul 2018)

The following information is a correction to the “fill-in” portions of the cited clause only. The offeror is expected to comply with the enitre clause and not just the cited “fill-in” portion of the cited clause.

(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 items:

- (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 Continuring 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 (Jul 2018) (Section 1634 of Pub. L. 115-91).
- (3) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015)
- (4) 52.233-3, Protest After Award (AUG 1996) (31 U.S.C 3553).
- (5) 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 items:

- X (1) 52.203-06, Restrictions on Subcontractor Sales to the Government (Sep 2006), with Alternate I (Oct 1995) (41 U.S.C. 4704 and 10 U.S.C. 2402).
- X (4) 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards (Oct 2016) (Pub. L. 109-282) (31 U.S.C. 6101 note).
- X (8) 52.209-06, Protecting The Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed For Debarment (Oct 2015) (31 U.S.C. 6101 note).
- X (12) (i) 52.219-04, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Oct 2014) (if the offeror elects to waive the preference, it shall so indicate in its offer.) (15 U.S.C. 657a).
- X (14) (i) 52.219-6, Notice Of Total Small Business Set-Aside (Nov 2011) (15 U.S.C. 644).
- X (16) 52.219-08, Utilization of Small Business Concerns (Nov 2016) (15 U.S.C. 637 (d)(2) and (3)).
- X (19) 52.219-14, Limitations on Subcontracting (Jan 2017) (15 U.S.C. 637(a)(14)).
- X (22) 52.219-28, Post Award Small Business Program Rerepresentation (Jul 2013) (15 U.S.C. 632(a)(2)).
- X (25) 52.222-03, Convict Labor (June 2003)(E.O. 11755).
- X (26) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (JAN 2018) (E.O. 13126).
- X (27) 52.222-21, Prohibition of Segregated Facilities (Apr 2015).
- X (28) (i) 52.222-26, Equal Opportunity (SEP 2016) (E.O. 11246).
- X (28) (ii) 52.222-26, Equal Opportunity - Alternate I (FEB 1999)
- X (29) (i) 52.222-35, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212).
- X (30) (i) 52.222-36, Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C. 793).
- X (31) 52.222-37, Employment Reports on Veterans (FEB 2016) (38 U.S.C. 4212).
- X (32) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).
- X (33) (i) 52.222-50 Combating Trafficking in Persons (Mar 2015) (22 U.S.C. Chapter 78 and E.O. 13627)

X (23) 52.232-33, Payment by Electronic Funds Transfer-Central Contractor Registration (May 1999) (31 U.S.C. 3332).

X (36) 52.223-11, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (Jun 2016) (E.O. 13693)

X (42) 52.223-18, Encouraging Contractor Policies To Ban Text Messaging While Driving (Aug 2011).

X (48) 52.225-05, Trade Agreements (AUG 2018) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301 note).

X (49) 52.225-13, Restrictions on Certain Foreign Purchases (Jun 2008)(E.O.s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

X (50) 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).

X (55) 52.232-33, Payment by Electronic Funds Transfer-System for Award Management (Jul 2013) (31 U.S.C. 3332).

X (57) 52.232-36, Payment by Third Party (May 2014) (31 U.S.C. 3332).

(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 items:

 (1) 52.222-17, Nondisplacement of Qualified Workers (May 2014) (E.O. 13495)

 (10) 52.226-06, Promoting Excess Food Donation to Nonprofit Organizations (May 2014) (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, 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 items. 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 (Oct 2015) (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 (Jul 2018) (Section 1634 of Pub. L. 115-91).
- (iv) 52.219-8, Utilization of Small Business Concerns (Nov 2016) (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 \$700,000 (\$1.5 million for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.
- (v) 52.222-17, Nondisplacement of Qualified Workers (May 2014) (E.O. 13495). Flow down required in accordance with paragraph (1) of FAR clause 52.222-17.
- (vi) 52.221-21, Prohibition of Segregated Facilities (Apr 2015).
- (vii) 52.222-26, Equal Opportunity (Sep 2016) (E.O. 11246).
- (viii) 52.222-35, Equal Opportunity for Veterans (Oct 2015) (38 U.S.C. 4212).
- (ix) 52.222-36, Equal Opportunity for Workers with Disabilities (Jul 2014) (29 U.S.C. 793).
- (x) 52.222-37, Employment Reports on Veterans (Feb 2016) (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 (Mar 2015) (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 (May 2014) (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 (Oct 2015).
- (xvii) 52.222-55, Minimum Wages Under Executive Order 13658 (Dec 2015) (E.O. 13658).
- (xviii) 52.222-62, Paid Sick Leave Under Executive Order 13706 (Jan 2017) (E.O. 13706).
- (xix) ____ (A) 52.224-3, Privacy Act 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. (May 2014) (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 (Feb 2006) (46 U.S.C. Appx 1241(b) 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 items a minimal number of additional clauses necessary to satisfy its contractual obligations.

FAR 52.246-17 WARRANTY OF SUPPLIES OF A NONCOMPLEX NATURE (Jun 2003)

The following information is a correction to the "fill-in" portions of the cited clause only. The offeror is expected to comply with the entire clause and not just the cited "fill-in" portion of the cited clause.

(b) Contractor's obligations.

(1) Notwithstanding inspection and acceptance by the Government of supplies furnished under this contract, or any condition of this contract concerning the conclusiveness thereof, the Contractor warrants that for **all CLINs for one (1) year after final acceptance.**

(c) Remedies available to the Government.

(1) The Contracting Officer shall give written notice to the Contractor of any breach of warranties in paragraph (b)(1) of this clause within **30 days after discovery of the defect.**

DFARS 252.232-7006 WIDE AREA WORKFLOW PAYMENT INSTRUCTIONS (May 2013)

The following information is a correction to the "fill-in" portions of the cited clause only. The offeror is expected to comply with the entire clause and not just the cited "fill-in" portion of the cited clause.

Please utilize the data below in lieu of the information contained within the Section I clause for the stated Subparagraphs:

Paragraph (f)(1) should read "**Invoice and Receiving Report (COMBO)**"

Paragraph (f)(2) should read "**DESTINATION.**"

Paragraph (f)(3) Pay Official DODAAC should read "**F03000**"

Paragraph (f)(3) Issued By DODAAC should read "**FA8604**"

Paragraph (f)(3) Admin DODAAC should read "**FY1294**"

Paragraph (f)(3) Inspected by DODAAC should read "**N/A**"

Paragraph (f)(3) Ship To DODAAC should read "**FA8604**"

Paragraph (f)(3) Ship From Code DODAAC should read "**N/A**"

Paragraph (f)(3) Mark For Code DODAAC should read "**N/A**"

Paragraph (f)(3) Service Approver should read "**N/A**"

Paragraph (f)(3) Service Acceptor should read "**N/A**"

Paragraph (f)(3) Accept at Other DODAAC should read "**N/A**"

Paragraph (f)(3) LPO DODAAC should read "**N/A**"

Paragraph (f)(3) DCAA Auditor DODAAC should read "**N/A**"

Paragraph (f)(3) Other DODAAC should read "**N/A**"

Paragraph (f)(5) should read as follows:

Acceptor: Debra Schlosser
debra.schlosser.1@us.af.mil
AFLCMC/EZPAA
5215 Thurlow Street, Area A
Wright-Patterson AFB, OH 45433-5750

Project Engineer: Emmanuel Parel
emmanuel.parel@us.af.mil
AFLCMC/EZPAE
5215 Thurlow Street, Area A, Suite 5
Wright-Patterson AFB, OH 45433-5750

Contracting Officer: Diane Chong
diane.chong.1@us.af.mil
AFLCMC/PZIEB
2275 D Street, Area B
Building 16, Room, 128
Wright-Patterson AFB, OH 45433-7228

Buyer: Felicia N. Bibbs
felicia.bibbs@us.af.mil
AFLCMC/PZIEB
2275 D Street, Area B
Building 16, Room 128
Wright-Patterson AFB, OH 45433-7228

Paragraph (g)(1) should read as follows: ***“For technical assistance please contact the WAWF Helpdesk at 866-618-5988”***

Paragraph (g)(2) should read as follows: ***For technical WAWF help, contact the WAWF helpdesk at 866-618-5988***

AF 5352.201-9101 OMBUDSMAN (Jun 2016)

The following information is a correction to the “fill-in” portions of the cited clause only. The offeror is expected to comply with the entire clause and not just the cited “fill-in” portion of the cited clause.

(c) If resolution cannot be made by the contracting officer, the interested party may contact the ombudsman, as of **15 November 2017**:

Primary: Lt. Col Brian Miller
Deputy Director AQ-AZ
Acquisition Excellence Directorate, AFLCMC/AQ
1790 10th Street, Building 572
Wright-Patterson AFB, OH 45433
brian.miller.15@us.af.mil
Tel: 937-255-5512

Alternate: None at this time

AF 5352.242-9000 CONTRACTOR ACCESS TO AIR FORCE INSTALLATIONS (Nov 2012)

The following information is a correction to the “fill-in” portions of the cited clause only. The offeror is expected to comply with the entire clause and not just the cited “fill-in” portion of the cited clause.

(b) The contractor shall submit a written request on company letterhead to the contracting officer listing the following: contract number, location of work site, start and stop dates, and names of employees and subcontractor employees needing access to the base. The letter will also specify the individual(s) authorized to sign for a request for base identification credentials or vehicle passes. The contracting officer will endorse the request and forward it to the issuing base pass and registration office or Security Forces for processing. When reporting to the registration office, the authorized contractor individual(s) should provide a valid driver's license, current vehicle registration, valid vehicle insurance certificate, and any other requirements of **Laughlin AFB, Texas** to obtain a vehicle pass.

(d) When work under this contract requires unescorted entry to controlled or restricted areas, the contractor shall comply with **AFI 31-101, Volume 1, the Air Force Installation Security Program, and AFI 31-501**.