

CONTRACT CLAUSES

DO-A1

**52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS—COMMERCIAL ITEMS (JUL 2010)**  
(IAW FAR 12.301(b)(4))

(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) **52.222-50**, Combating Trafficking in Persons (Feb 2009) (22 U.S.C. 7104(g)).  
Alternate I (Aug 2007) of 52.222-50 (22 U.S.C. 7104(g)).
- (2) **52.233-3**, Protest After Award (Aug 1996)(31 U.S.C 3553).
- (3) **52.233-4**, Applicable Law for Breach of Contract Claim (Oct 2004)(Pub. L. 108-77, 108-78).

(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:

*[Contracting Officer check as appropriate.]*

- |                                     |      |  |
|-------------------------------------|------|--|
| <input checked="" type="checkbox"/> | (1)  | <b>52.203-6</b> , Restrictions on Subcontractor Sales to the Government (Sep 2006), with <b>Alternate I</b> (Oct 1995)(41 U.S.C. 253g and 10 U.S.C. 2402).   |
| <input checked="" type="checkbox"/> | (2)  | <b>52.203-13</b> , Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).  |
| <input type="checkbox"/>            | (3)  | <b>52.203-15</b> , 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).   |
| <input type="checkbox"/>            | (4)  | <b>52.204-10</b> , Reporting Executive Compensation and First-Tier Subcontract Awards (Jul 2010) (Pub. L. 109-282) (31 U.S.C. 6101 note).  |
| <input type="checkbox"/>            | (5)  | <b>52.204-11</b> , American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-15).  |
| <input type="checkbox"/>            | (6)  | <b>52.219-3</b> , Notice of Total HUBZone Set-Aside (Jan 1999)(15 U.S.C. 657a).  |
| <input type="checkbox"/>            | (7)  | <b>52.219-4</b> , Notice of Price Evaluation Preference for HUBZone Small Business Concerns (July 2005) (if the offeror elects to waive the preference, it shall so indicate in its offer)(15 U.S.C. 657a).  |
| <input type="checkbox"/>            | (8)  | [Reserved]   |
| <input type="checkbox"/>            | (9)  | (i) <b>52.219-6</b> , Notice of Total Small Business Set-Aside (June 2003)(15 U.S.C. 644).   |
| <input type="checkbox"/>            | (8)  | (ii) <b>Alternate I</b> (Oct 1995) of 52.219-6.  |
| <input type="checkbox"/>            | (8)  | (iii) <b>Alternate II</b> (Mar 2004) of 52.219-6.  |
| <input type="checkbox"/>            | (10) | (i) <b>52.219-7</b> , Notice of Partial Small Business Set-Aside (June 2003)(15 U.S.C. 644).   |
| <input type="checkbox"/>            | (10) | (ii) <b>Alternate I</b> (Oct 1995) of 52.219-7.  |
| <input type="checkbox"/>            | (10) | (iii) <b>Alternate II</b> (Mar 2004) of 52.219-7.  |
| <input checked="" type="checkbox"/> | (11) | <b>52.219-8</b> , Utilization of Small Business Concerns (May 2004)(15 U.S.C. 637(d)(2) and (3)). (Use in accordance with DDP Memo dated 19 Nov 2009, DARS Tracking Number 2009-O0009, Class Deviation to the FAR—Small Disadvantaged Business Certification for Subcontractors.)  |
| <input checked="" type="checkbox"/> | (12) | (i) <b>52.219-9</b> , Small Business Subcontracting Plan (Jul 2010)(15 U.S.C. 637(d)(4)).  |
| <input type="checkbox"/>            | (12) | (ii) <b>Alternate I</b> (Oct 2001) of 52.219-9.  |
| <input checked="" type="checkbox"/> | (12) | (iii) <b>Alternate II</b> (Oct 2001) of 52.219-9.  |
| <input type="checkbox"/>            | (12) | (iv) <b>Alternate III</b> (Jul 2010) of 52.219-9.  |
| <input type="checkbox"/>            | (13) | <b>52.219-14</b> , Limitations on Subcontracting (Dec 1996)(15 U.S.C. 637(a)(14)).   |
| <input checked="" type="checkbox"/> | (14) | <b>52.219-16</b> , Liquidated Damages—Subcontracting Plan (Jan 1999) (15 U.S.C. 637(d)(4)(F)(i)).  |
| <input type="checkbox"/>            | (15) | (i) <b>52.219-23</b> , Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns (Oct 2008)(10 U.S.C. 2323) (if the offeror elects to waive the adjustment, it shall so indicate in its offer). (In accordance with DDP Memo dated 11 Feb 2009, DAR Tracking Number 2009-O0003, Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses, this clause is suspended in DoD. Applies to all solicitations issued from 13 March 2009 to 12 March 2010.) |

- \_\_\_\_\_ (15) (ii) **Alternate I** (June 2003) of 52.219-23. (In accordance with DDP Memo dated 11 Feb 2009, DAR Tracking Number 2009-00003, Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses, this clause is suspended in DoD. Applies to all solicitations issued from 13 March 2009 to 12 March 2010.)
- \_\_\_\_\_ (16) **52.219-25, Small Disadvantaged Business Participation Program—Disadvantaged Status and Reporting** (Apr 2008)(Pub. L. 103-355, section 7102, and 10 U.S.C. 2323). (Use in accordance with DDP Memo dated 19 Nov 2009, DARS Tracking Number 2009-00009, Class Deviation to the FAR—Small Disadvantaged Business Certification for Subcontractors.)
- \_\_\_\_\_ (17) **52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting** (Oct 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).
- \_\_\_\_\_ (18) **52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside** (May 2004)(15 U.S.C. 657 f).
- X   (19) **52.219-28, Post Award Small Business Program Rerepresentation** (Apr 2009) (15 U.S.C. 632(a)(2)).
- \_\_\_\_\_ (20) **52.222-3, Convict Labor** (June 2003)(E.O. 11755).
- X   (21) **52.222-19, Child Labor—Cooperation with Authorities and Remedies** (Jul 2010)(E.O. 13126).
- X   (22) **52.222-21, Prohibition of Segregated Facilities** (Feb 1999).
- X   (23) **52.222-26, Equal Opportunity** (Mar 2007)(E.O. 11246).
- X   (24) **52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans** (Sep 2006)(38 U.S.C. 4212).
- X   (25) **52.222-36, Affirmative Action For Workers with Disabilities** (Jun 1998)(29 U.S.C. 793).
- X   (26) **52.222-37, Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans** (Sep 2006)(38 U.S.C. 4212).
- \_\_\_\_\_ (27) **52.222-54, Employment Eligibility Verification** (Jan 2009). (Executive Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)
- \_\_\_\_\_ (28) (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.)
- \_\_\_\_\_ (28) (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.)
- \_\_\_\_\_ (29) **52.223-15, Energy Efficiency in Energy-Consuming Products** (Dec 2007) (42 U.S.C. 8259b).
- \_\_\_\_\_ (30) (i) **52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products** (Dec 2007) (E.O. 13423).
- \_\_\_\_\_ (30) (ii) **Alternate I**, (Dec 2007) of 52.223-16.
- \_\_\_\_\_ (31) **52.225-1, Buy American Act—Supplies** (Feb 2009)(41 U.S.C. 10a-10d).
- \_\_\_\_\_ (32) (i) **52.225-3, Buy American Act—Free Trade Agreement—Israeli Trade Act** (Jun 2009) (41 U.S.C. 10a-10d, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, Pub. L. 108-77, 108-78, 108-286, 1108-302, 109-53, 109-169, 109-283, and 110-138).
- \_\_\_\_\_ (32) (ii) **Alternate I** (Jan 2004) of 52.225-3.
- \_\_\_\_\_ (32) (iii) **Alternate II** (Jan 2004) of 52.225-3.
- \_\_\_\_\_ (33) **52.225-5, Trade Agreements** (Aug 2009) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).
- X   (34) **52.225-13, Restriction on Certain Foreign Purchases** (Jun 2008)(E.O.s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of Treasury).
- \_\_\_\_\_ (35) **52.226-4, Notice of Disaster or Emergency Area Set-Aside** (Nov 2007)(42 U.S.C. 5150).
- \_\_\_\_\_ (36) **52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area** (Nov 2007)(42 U.S.C. 5150).
- \_\_\_\_\_ (37) **52.232-29, Terms for financing of Purchases of Commercial Items** (Feb 2002)(41 U.S.C. 522(f), 10 U.S.C. 2307(f)).
- \_\_\_\_\_ (38) **52.232-30, Installment Payments for Commercial Items** (Oct 1995)(41 U.S.C. 255(f), 10 U.S.C. 2307(f)).
- X   (39) **52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration** (Oct 2003)(31 U.S.C. 3332).



- \_\_\_\_\_ (40) **52.232-34**, Payment by Electronic Funds Transfer—Other than Central Contractor Registration (May 1999)(31 U.S.C. 3332).
- \_\_\_\_\_ (41) **52.232-36**, Payment by Third Party (Feb 2010) (31 U.S.C. 3332).
- \_\_\_\_\_ (42) **52.239-1**, Privacy or Security Safeguards (Aug 1996)(5 U.S.C. 552a).
- \_\_\_\_\_ (43) (i) **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).
- \_\_\_\_\_ (43) (ii) **Alternate I** (Apr 2003) 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 items:

*[Contracting Officer check as appropriate.]*

- \_\_\_\_\_ (1) **52.222-41**, Service Contract Act of 1965 (Nov 2007) (41 U.S.C. 351, *et seq.*).
- \_\_\_\_\_ (2) **52.222-42**, Statement of Equivalent Rates for Federal Hires (May 1989) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_\_\_ (3) **52.222-43**, Fair Labor Standards Act and Service Contract Act—Price Adjustment (Multiple Year and Option Contracts) (Sep 2009)(29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_\_\_ (4) **52.222-44**, Fair Labor Standards Act and Service Contract Act - Price Adjustment (Sep 2009) (29 U.S.C. 206 and 41 U.S.C. 351, *et seq.*).
- \_\_\_\_\_ (5) **52.222-51**, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Nov 2007) (41 U.S.C. 351 *et seq.*).
- \_\_\_\_\_ (6) **52.222-53**, Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements (Feb 2009)(41 U.S.C. 351 *et seq.*).
- \_\_\_\_\_ (7) **52.226-6**, Promoting Excess Food Donation to Nonprofit Organizations. (Mar 2009) (Pub. L. 110-247).
- \_\_\_\_\_ (8) **52.237-11**, Accepting and Dispensing of \$1 Coin (Sep 2008) (31 U.S.C. 5112(p)(1)).

(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 paragraphs (e)(1) of this paragraph 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 (Apr 2010) (Pub. L. 110-252, Title VI, Chapter 1 (41 U.S.C. 251 note)).
- (ii) **52.219-8**, Utilization of Small Business Concerns (May 2004) (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 \$550,000 (\$1,000,000 for construction of any public facility), the subcontractor must include 52.219-8 in lower tier subcontracts that offer subcontracting opportunities.
- (iii) [Reserved]
- (iv) **52.222-26**, Equal Opportunity (Mar 2007) (E.O. 11246).

- (v) 52.222-35, Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sep 2006) (38 U.S.C. 4212).
- (vi) 52.222-36, Affirmative Action for Workers with Disabilities (Jun 1998) (29 U.S.C. 793).
- (vii) [Reserved]
- (viii) 52.222-41, Service Contract Act of 1965 (Nov 2007), (41 U.S.C. 351, et seq.).
- (ix) 52.222-50, Combating Trafficking in Persons (Feb 2009) (22 U.S.C. 7104 (g)).
- Alternate I (Aug 2007) of 52.222-50 (22 U.S.C. 7104(g)).
- (x) 52.222-51, Exemption from Application of the Service Contract Act to Contracts for Maintenance, Calibration, or Repair of Certain Equipment—Requirements (Nov 2007) (41 U.S.C. 351, et seq.).
- (xi) 52.222-53, Exemption from Application of the Service Contract Act to Contracts for Certain Services—Requirements (Feb 2009) (41 U.S.C. 351, et seq.).
- (xii) 52.222-54, Employment eligibility Verification (Jan 2009).
- (xiii) 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations (Mar 2009) (Pub. L. 110-247). Flow down required in accordance with paragraphs (e) of FAR clause 52.226-6.
- (xiv) 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.

**252.212-7001**

**CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS APPLICABLE TO DEFENSE ACQUISITIONS OF COMMERCIAL ITEMS (JUN 2010)**

(IAW DFARS 212.301(f)(iii))

(a) The Contractor agrees to comply with the following Federal Acquisition Regulation (FAR) clause which, if checked, is included in this contract by reference to implement provision of law applicable to acquisitions of commercial items or components.

  X        **52.203-3**      Gratuities (APR 1984) (10 U.S.C. 2207)

(b) The Contractor agrees to comply with any clause that is checked on the following list of Defense FAR Supplement clauses which, if checked, is included in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items or components.

<u>  X  </u>	(1)	<b>252.203-7000</b>	Requirements Relating to Compensation of Former DoD Officials (JAN 2009) (Section 847 of Pub. L. 110-181).
<u>  X  </u>	(2)	<b>252.205-7000</b>	Provision of Information to Cooperative Agreement Holders (DEC 1991) (10 U.S.C. 2416).
<u>  X  </u>	(3)	<b>252.219-7003</b>	Small Business Subcontracting Plan (DoD Contracts) (APR 2007) (15 U.S.C. 637). (DAR Tracking # 2008-00008 specifies use of class deviation 252.219-7003 dated Feb 2009)
<u>      </u>	(4)	<b>252.219-7004</b>	Small Business Subcontracting Plan (Test Program) (AUG 2008) (15 U.S.C. 637 note). (DAR Tracking # 2008-00008 specifies use of class deviation 252.219-7004 dated Feb 2009)
<u>  X  </u>	(5)	<b>252.225-7001</b>	Buy American Act and Balance of Payment Program (JAN 2009) (41 U.S.C. 10a-10d, E.O. 10582). (DAR Tracking # 2009-00007 specifies use of class deviation 252.225-7001 dated Jul 2009)
<u>  X  </u>	(6)	<b>252.225-7008</b>	Restriction on Acquisition of Specialty Metals (JUL 2009) (10 U.S.C. 2533b).
<u>  X  </u>	(7)	<b>252.225-7009</b>	Restriction on Acquisition of Certain Articles Containing Specialty Metals (JUL 2009) (10 U.S.C. 2533b).
<u>  X  </u>	(8)	<b>252.225-7012</b>	Preference for Certain Domestic Commodities (JUN 2010) (10 U.S.C. 2533a).
<u>      </u>	(9)	<b>252.225-7015</b>	Restriction on Acquisition of Hand or Measuring Tools (JUN 2005) (10 U.S.C. 2533a).
<u>      </u>	(10)	<b>252.225-7016</b>	Restriction on Acquisition of Ball and Roller Bearings (JUN 2006) (Section 8065 of Public Law 107-117 and the same restriction in subsequent DoD appropriations acts).
<u>      </u>	(11)(i)	<b>252.225-7021</b>	Trade Agreements (NOV 2009) (19 U.S.C. 2501-2518 and 19 U.S.C. 3301 note). (DAR Tracking # 2009-00007 specifies use of class deviation 252.225-7021 dated Jul 2009)
<u>      </u>	(11)(ii)	<b>252.225-7021</b>	Alternate I (SEP 2008).



_____	(12)	<b>252.225-7027</b>	Restriction on Contingent Fees for Foreign Military Sales (APR 2003) (22 U.S.C. 2779).
_____	(13)	<b>252.225-7028</b>	Exclusionary Policies and Practices of Foreign Governments (APR 2003) (22 U.S.C. 2755).
_____	(14)(i)	<b>252.225-7036</b>	Buy American Act--Free Trade Agreements--Balance of Payments Program (JUL 2009) (41 U.S.C. 10a - 10d and 19 U.S.C. 3301 note). (DAR Tracking # 2009-00007 specifies use of class deviation 252.225-7036 dated Jul 2009)
_____	(14)(ii)	<b>252.225-7036</b>	Alternate I (JUL 2009) of 252.225-7036. (DAR Tracking # 2009-00007 specifies use of class deviation 252.225-7036 ALT I dated Jul 2009)
_____	(15)	<b>252.225-7038</b>	Restriction on Acquisition of Air Circuit Breakers (JUN 2005) (10 U.S.C. 2534(a)(3)).
<u>  X  </u>	(16)	<b>252.226-7001</b>	Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns (SEP 2004) (Section 8021 of Public Law 107-248 and similar sections in subsequent DoD appropriations acts).
_____	(17)	<b>252.227-7015</b>	Technical Data--Commercial Items (NOV 1995) (10 U.S.C. 2320).
_____	(18)	<b>252.227-7037</b>	Validation of Restrictive Markings on Technical Data (SEP 1999) (10 U.S.C. 2321).
<u>  X  </u>	(19)	<b>252.232-7003</b>	Electronic Submission of Payment Requests and Receiving Reports (MAR 2008) (10 U.S.C. 2227).
_____	(20)	<b>252.237-7019</b>	Training for Contractor Personnel Interacting With Detainees (SEP 2006) (Section 1092 of Pub. L. 108-375)
<u>  X  </u>	(21)	<b>252.243-7002</b>	Requests For Equitable Adjustment (MAR 1998) (10 U.S.C. 2410).
_____	(22)	<b>252.247-7003</b>	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer (JUL 2009) (Section 884 of Public Law 110-417).
<u>  X  </u>	(23)(i)	<b>252.247-7023</b>	Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631).
_____	(23)(ii)	<b>252.247-7023</b>	Alternate I (MAR 2000) of 252.247-7023.
_____	(23)(iii)	<b>252.247-7023</b>	Alternate II (MAR 2000) of 252.247-7023.
_____	(23)(iv)	<b>252.247-7023</b>	Alternate III (MAY 2002) of 252.247-7023.
_____	(24)	<b>252.247-7024</b>	Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

(c) In addition to the clauses listed in paragraph (e) of the Contract Terms and Conditions Required to Implement Statutes or Executive Orders--Commercial Items clause of this contract (FAR 52.212-5), the Contractor shall include the terms of the following clauses, if applicable, in subcontracts for commercial items or commercial components, awarded at any tier under this contract:

- (1) **252.237-7019** Training for Contractor Personnel Interacting With Detainees (SEP 2006) (Section 1092 of Pub. L. 108-375)
- (2) **252.247-7003**, Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the cost Bearer (JUL 2009) (Section 884 of Public Law 110-417).
- (3) **252.247-7023** Transportation of Supplies by Sea (MAY 2002) (10 U.S.C. 2631).
- (4) **252.247-7024** Notification of Transportation of Supplies by Sea (MAR 2000) (10 U.S.C. 2631).

ADDENDUM TO CLAUSE 52.212-4

**5352.201-9101 OMBUDSMAN (APR 2010)**  
(IAW AFFARS 5301.9103)

(a) An ombudsman has been appointed to hear and facilitate the resolution of concerns from offerors, potential offerors, and others for this acquisition. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The existence of the ombudsman does not affect the authority of the program manager, contracting officer, or source selection official. Further, the ombudsman does not participate in the evaluation of proposals, the source selection process, or the adjudication of protests or formal contract disputes. The ombudsman may refer the party to another official who can resolve the concern.

(b) Before consulting with an ombudsman, interested parties must first address their concerns, issues, disagreements, and/or recommendations to the contracting officer for resolution. Consulting an ombudsman does not alter or postpone the timelines for any other processes (e.g., agency level bid protests, GAO bid protests, requests for debriefings, employee-employer actions, contests of OMB Circular A-76 competition performance decisions).

(c) If resolution cannot be made by the contracting officer, concerned parties may contact the Center/MAJCOM or AFISRA ombudsmen, Debbie L. Hope at 801 777-2880, FAX 801 777-0389, email debbie.hope@hill.af.mil. Concerns, issues, disagreements, and recommendations that cannot be resolved at the MAJCOM/DRU or ARISRA level, may be brought by the concerned party for further consideration to the Air Force ombudsman, Associate Deputy Assistant Secretary (ADAS) (Contracting), SAF/AQC, 1060 Air Force Pentagon, Washington DC 20330-1060, phone number (703) 588-7004, facsimile number (703) 588-1067.

(d) The ombudsman has no authority to render a decision that binds the agency.

(e) Do not contact the ombudsman to request copies of the solicitation, verify offer due date, or clarify technical requirements. Such inquiries shall be directed to the Contracting Officer.

**252.203-7002 REQUIREMENT TO INFORM EMPLOYEES OF WHISTLEBLOWER RIGHTS**  
(JAN 2009)  
(IAW DFARS 203.970)

**52.204-10 REPORTING EXECUTIVE COMPENSATION AND FIRST-TIER SUBCONTRACT AWARDS (JUL 2010)**  
(IAW FAR 4.1403(a))

**252.204-7008 EXPORT-CONTROLLED ITEMS (APR 2010)**  
(IAW DFARS 204.7304)

**52.209-8 UPDATES OF INFORMATION REGARDING RESPONSIBILITY MATTERS**  
(APR 2010)  
(IAW FAR 9.104-7(c))

(a) The Contractor shall update the information in the Federal Awardee Performance and Integrity Information System (FAPIIS) on a semi-annual basis, throughout the life of the contract, by entering the required information in the Central Contractor Registration database at <http://www.ccr.gov> (see 52.204-7).

- (b) (1) The Contractor will receive notification when the Government posts new information to the Contractor's record.  
(2) The Contractor will have an opportunity to post comments regarding information that has been posted by the Government. The comments will be retained as long as the associated information is retained, i.e., for a total period of 6 years. Contractor comments will remain a part of the record unless the contractor revises them.  
(3) With the exception of the Contractor, only Government personnel and authorized users performing business on behalf of the Government will be able to view the Contractor's record in the system. Public requests for system information will be handled under Freedom of Information Act procedures, including, where appropriate, procedures promulgated under E.O. 12600.



**252.211-7003 ITEM IDENTIFICATION AND VALUATION (AUG 2008)**  
(IAW DFARS 211.274-5(a), DFARS 212.301(f)(vi))

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

"DoD recognized unique identification equivalent" means a unique identification method that is in commercial use and has been recognized by DoD. All DoD recognized unique identification equivalents are listed at <http://www.acq.osd.mil/dpap/pdi/uid/uid/equivalents.html>.

"Unique item identifier type" means a designator to indicate which method of uniquely identifying a part has been used. The current list of accepted unique item identifier types is maintained at <http://www.acq.osd.mil/dpap/pdi/uid/uid/types.html>.

(c) *Unique item identifier.*

(1) The Contractor shall provide a unique item identifier for the following:

- (i) All delivered items for which the Government's unit acquisition cost is \$5,000 or more.
- (ii) The following items for which the Government's unit acquisition cost is less than \$5,000:

Contract Line, Subline, or Exhibit Line Item Number	Item Description
*Items less than \$5000, which require UID, will be specifically identified in the schedule.	See Schedule as Applicable

(iii) Subassemblies, components, and parts embedded within delivered items as specified in Attachment Number (See Schedule as Applicable).

(f) The Contractor shall submit the information required by paragraphs (d) and (e) of this clause in accordance with the data submission procedures at [http://www.acq.osd.mil/dpap/pdi/uid/data\\_submission\\_information.html](http://www.acq.osd.mil/dpap/pdi/uid/data_submission_information.html).

**252.211-7006 RADIO FREQUENCY IDENTIFICATION (FEB 2007)**  
(IAW DFARS 211.275-3)

**ITEM IDENTIFICATION MARKING AND SHELF LIFE ITEM PROVISIONS (FEB 1998)**  
(IAW AFMCI 23-102 Chapter 6 Paragraph 6.2.7.3.)

Requirements set forth below shall apply to any contract issued thereon and will take precedence over other inconsistent requirements herewith. All standards, bulletins, and publications referenced herein shall be of the issue in effect on the date of this document.

**1. PHYSICAL MARKING OF ITEMS:**

MIL-STD-130: Items shall be marked in accordance with MIL-STD-130. The National Stock Number (NSN), and when assigned, the Configuration Item Identifier (CII), serial number, and military type designation information shall be marked on major assemblies, units, groups, and sets. Special attention must be given to requirements governing the application of the actual manufacturer's Federal Supply Code for Manufacturers (FSCM) to the physical item. Items which are excluded in accordance with paragraph 1.1 of MIL-STD-130, Revision M, shall be marked in accordance with the appropriate document.

**2. PACKAGE AND CONTAINER MARKING:** Shipments will not be made until the NSN has been assigned, unless specifically authorized by the Contracting Officer.

**MIL-STD-129/ASTM-D-3951:**

a. Interior packages and shipping containers shall be marked in accordance with MIL-STD-129 when Military packing is specified and ASTM-D-3951 when commercial packaging is specified. The requirements of paragraph 2.h apply regardless of which packaging is utilized.

(1) Design manufacturer's name, trademark or manufacturer's code (from Cataloging Handbook H4-1 or H4-2), identifying number, and serial number, when applicable, shall be included in the identification marking.

(2) When applicable, the Air Force project designator code shall be included as the last line of the address marking and the project name related to the project code shall be marked in the clear on the exterior shipping container.

b. Tags and labels, when required, shall be contractor's tags or labels conforming to the requirements of MIL-STD-129 or as approved by the procuring activity. Contractor's forms which indicate serviceable condition shall not be any shade of green or red. Labels are authorized to be used on metal containers. Items requiring technical order (T.O.) certification shall be annotated on inner and outer container tags or label with T.O. compliance.

c. When dummy containers are used in a unitized load, the dummy containers shall be clearly marked "DUMMY CONTAINER" and located in the load so that the marking will be plainly visible to receiving and storage personnel.

d. All interior packages and shipping containers for articles and materials classified as hazardous or restricted under provisions of Title 49, Code of Federal Regulations, or AFR 71-4/DLAM 4145.3/TM 38-250/NAVSUP PUB 505/MCO P 4030.19 shall be marked, regardless of exemption for mode of transportation, with proper shipping name of item; flash point of all liquids having a flash point of 200 degrees F. or below; and percentage concentration of acids and corrosive liquids. In addition, the quantity of each hazardous or restricted material included in a container shall be annotated adjacent to the shipping name of the item, e.g., Acetic Acid (80% concentration) -- 1 qt.

e. On shipments of firearms regardless of mode of transportation, selected elements of identification and contractor data markings shall be omitted or obliterated in accordance with the requirements of MIL-STD-129 regarding sensitive items and packing lists shall be placed only inside the containers.

f. Special markings for packages and containers when specified on AFMC Form 158 shall be complied with as a part of MIL-STD-129.

g. All special coated terneplate containers shall be marked with the legend "CAUTION--DO NOT REUSE AS FOOD CONTAINERS."

h. Bar code markings in accordance with MIL-STD-129 shall apply to all units, intermediate and exterior containers for all items going into stock regardless of package size or levels of package specified (including commercial packaging). In addition to the NSN/NATO stock number, the exterior shipping container shall include the 13 digit contract number (plus, if applicable, the four digit call number). Excluded from Bar Code Marking are:

- (1) Foreign Military Sales.
- (2) Direct Vendor Delivery (DVD)/Government Furnished Equipment (GFE) shipments.
- (3) Multipack Exterior Shipping Containers. (Unit and intermediate containers do require a bar coded NSN/NATO stock number. However, the next container (unit or intermediate) inside the multipack will also require a bar coded NSN/NATO stock number and contract number with call number, if applicable, in the lower right hand corner).
- (4) All unpacked or uncrated items; e.g., vehicles, tires, etc.

i. Shipments of wheeled items weighing 2,000 pounds or more and scheduled for transportation by military aircraft will be marked with the individual axle weights in accordance with MIL-STD-129.

3. WARRANTED ITEMS: When the contract contains warranty requirements, warranty information shall be applied on containers and items as follows:

a. Container markings shall be as specified in MIL-STD-129. The period or conditions of the warranty shall be specifically stated, i.e., landings, flight hours, operating hours, days from shipping date, etc.

b. Items shall be marked in accordance with requirements of MIL-STD-130. Markings shall be located in a manner so as to be conspicuous to the person removing the item from service. When no deleterious effect or functional degradation is caused, the markings shall be black letters on yellow FED-STD-595 color 13655) background. The marking shall include the same period or condition required on the containers.

#### 4. SHELF LIFE ITEMS

##### a. MARKING

(1) Shelf life items shall be marked in accordance with MIL-STD-129.

(2) Mark items controlled in MIL-STD-1523, or in specifications furnished as a part of the contract or purchase order, with the cure or assembly dates specified therein.



b. DELIVERY. Unless specified otherwise in the contract, shelf life items shall have a minimum of 90% of the "storage period" remaining at the time of delivery to the Government.

**252.215-7000 PRICING ADJUSTMENTS (DEC 1991)**  
(IAW DFARS 215.408(1))

**252.215-7002 COST ESTIMATING SYSTEM REQUIREMENTS (DEC 2006)**  
(IAW DFARS 215.408(2))

**52.217-7 OPTION FOR INCREASED QUANTITY--SEPARATELY PRICED LINE ITEM**  
(MAR 1989)  
(IAW FAR 17.208(e))

The Government may require the delivery of the numbered line item, identified in the Schedule as an option item, in the quantity and at the price stated in the Schedule. The Contracting Officer may exercise the option by written notice to the Contractor within 60 days of expiration of Basic Contract. Delivery of added items shall continue at the same rate that like items are called for under the contract, unless the parties otherwise agree.

(The above Clause/Provision has been modified.)

THE FOLLOWING IS FILL-IN DATA FOR CLAUSE 52.212-5 PARA (b)(19):

**52.219-28 POST-AWARD SMALL BUSINESS PROGRAM REREPRESENTATION (APR 2009)**

(g) If the Contractor does not have representations and certifications in ORCA, or does not have a representation in ORCA for the NAICS code applicable to this contract, the Contractor is required to complete the following rerepresentation and submit it to the contracting office, along with the contract number and the date on which the rerepresentation was completed:

The Contractor represents that it [ ] is, [ ] is not a small business concern under NAICS Code \_\_\_\_\_ assigned to contract number \_\_\_\_\_.

[Contractor to sign and date and insert authorized signer's name and title].

**252.219-7003 SMALL BUSINESS SUBCONTRACTING PLAN (DoD CONTRACTS) (DEVIATION) --**  
**ALTERNATE I (FEB 2009)**  
(IAW DARS Tracking Number 2008-00008)

**52.222-1 NOTICE TO THE GOVERNMENT OF LABOR DISPUTES (FEB 1997)**  
(IAW FAR 22.103-5(a))

**52.222-34 PROJECT LABOR AGREEMENT - ALTERNATE I (APR 2010)**  
(IAW FAR 22.505(b)(2))

**52.222-64 EMPLOYMENT ELIGIBILITY VERIFICATION (JAN 2009)**  
(IAW FAR 22.1803)

(c) Web site. Information on registration for and use of the E-Verify program can be obtained via the Internet at the Department of Homeland Security Web site: <http://www.dhs.gov/E-Verify>.

**52.222-99 NOTIFICATION OF EMPLOYEE RIGHTS UNDER THE NATIONAL LABOR**  
**RELATIONS ACT (JUN 2010)**  
(IAW DARS Tracking # 2010-00013)

(a) During the term of this contract, the Contractor shall post a notice, of such size and in such form, and containing such content as prescribed by the Secretary of Labor, in conspicuous places in and about its plants and offices where employees covered by the National Labor Relations Act engage in activities relating to the performance of the contract, including all places where notices to employees are customarily posted both physically and electronically, in the languages employees speak, in accordance with 29 CFR 471.2(d) and (f).

(1) Physical posting of the employee notice shall be in conspicuous places in and about the Contractor's plants and offices so that the notice is prominent and readily seen by employees who are covered by the

National Labor Relation Act and engage in activities related to the performance of the contract.

(2) If the Contractor customarily posts notices to employees electronically, then the Contractor shall also post the required notice electronically by displaying prominently, on any website that is maintained by the Contractor and is customarily used for notices to employees about terms and conditions of employment, a link to the Department of Labor's website that contains the full text of the poster. The link to the Department's website, as referenced in (b)(3) of this section, must read, "Important Notice about Employee Rights to Organize and Bargain Collectively with Their Employers."

(b) This required notice, printed by the Department of Labor, may be—

(1) Obtained from the Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-5609, Washington, DC 20210, (202) 693-0123, or from any field office of the Office of Labor-Management Standards or Office of Federal Contract Compliance Programs;

(2) Provided by the Federal contracting agency, if requested;

(3) Downloaded from the Office of Labor-Management Standards web site at [ ] ; or

(4) Reproduced and used as exact duplicate copies of the Department of Labor's official poster.

(c) The required text of the Employee Notification referred to in this clause is located at Appendix A, Subpart A, 29 CFR part 471.

(d) The Contractor shall comply with all provisions of the Employee Notice and related rules, regulations, and orders of the Secretary of Labor.

(e) In the event that the Contractor does not comply with the requirements set forth in paragraphs (a) through (d) of this clause, this contract may be terminated or suspended in whole or in part, and the Contractor may be suspended or debarred in accordance with 29 CFR 471.14 and FAR Subpart 9.4. Such other sanctions or remedies may be imposed as are provided by 29 CFR Part 471, which implements E.O. 13496 or as otherwise provided by law.

(f) *Subcontracts.*

(1) The Contractor shall include the substance of this clause, including this paragraph (f), in every subcontract that exceeds \$10,000 and will be performed wholly or partially in the United States, unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order 13496 of January 30, 2009, so that such provisions will be binding upon each subcontractor.

(2) The Contractor shall not procure supplies or services in a way designed to avoid the applicability of Executive Order 13496 or this clause.

(3) The Contractor shall take such action with respect to any such subcontract as may be directed by the Secretary of Labor as a means of enforcing such provisions, including the imposition of sanctions for non compliance.

(4) However, if the Contractor becomes involved in litigation with a subcontractor, or is threatened with such involvement, as a result of such direction, the Contractor may request the United States, through the Secretary of Labor, to enter into such litigation to protect the interests of the United States.

#### 52.223-11

#### OZONE-DEPLETING SUBSTANCES (MAY 2001)

(IAW FAR 23.804(a))

(a) *Definition.* "Ozone-depleting substance," as used in this clause, means any substance the Environmental Protection Agency designates in 40 CFR part 82 as—

(1) Class I, including, but not limited to, chlorofluorocarbons, halons, carbon tetrachloride, and methyl chloroform; or

(2) Class II, including, but not limited to, hydrochlorofluorocarbons.

(b) The Contractor shall label products which contain or are manufactured with ozone-depleting substances in the manner and to the extent required by 42 U.S.C. 7671(b), (c), and (d) and 40 CFR Part 82, Subpart E, as follows:

#### Warning

Contains (or manufactured with, if applicable) \* \_\_\_\_\_, a substance(s) which harm(s) public health and environment by destroying ozone in the upper atmosphere.

\*The Contractor shall insert the name of the substance(s).



**5352.223-9000 ELIMINATION OF USE OF CLASS I OZONE DEPLETING SUBSTANCES (ODSs)**  
(APR 2003)  
(IAW AFFARS 5323.804(c))

- (a) Unless the requiring activity has obtained prior Senior Acquisition Official (SAO) approval, contractors may not:
- (1) Provide any service or product with any specification, standard, drawing, or other document that requires the use of a Class I ODS in the test, operation, or maintenance of any system, subsystem, item, component, or process; or
  - (2) Provide any specification, standard, drawing, or other document that establishes a test, operation, or maintenance requirement that can only be met by use of a Class I ODS.

[NOTE: This prohibition does not apply to manufacturing.]

- (b) For the purposes of Air Force policy, the following products that are pure (i.e., they meet the relevant product specification identified in AFI 32-7086) are Class I ODSs:

- (1) Halons: 1011, 1202, 1211, 1301, and 2402;
- (2) Chlorofluorocarbons (CFCs): CFC-11, CFC-12, CFC-13, CFC-111, CFC-112, CFC-113, CFC-114, CFC-115, CFC-211, CFC-212, CFC-213, CFC-214, CFC-215, CFC-216, and CFC-217, and the blends R-500, R-501, R-502, and R-503; and
- (3) Carbon Tetrachloride, Methyl Chloroform, and Methyl Bromide.

[NOTE: Material that use one or more of these Class I ODSs as minor constituents do not meet the Air Force definition of a Class I ODS.]

- (c) The requiring activity has obtained SAO approval to permit the contractor to use the following Class I ODS(s):

List each Class I ODS, its applications or use and the approved quantities for use throughout the length of the contract. If "None," so state.

Item No	Class I ODS	Application or Use	Quantity (lbs) per contract period performance
SEE LINE ITEM SCHEDULE			

- (d) The offeror/contractor is required to notify the contracting officer if any Class I ODS that is not specifically listed above is required in the test, operation, or maintenance of any system, subsystem, item, component, or process.

- 252.225-7002 QUALIFYING COUNTRY SOURCES AS SUBCONTRACTORS** (APR 2003)  
(IAW DFARS 225.1101(3))
- 252.225-7013 DUTY-FREE ENTRY** (DEC 2009)  
(IAW DFARS 225.1101(4))
- 52.229-4 FEDERAL, STATE, AND LOCAL TAXES (STATE AND LOCAL ADJUSTMENTS)**  
(APR 2003)  
(IAW FAR 29.401-3(b))
- 52.230-6 ADMINISTRATION OF COST ACCOUNTING STANDARDS** (JUN 2010)  
(IAW FAR 30.201-4(d)(1))
- 252.232-7010 LEVIES ON CONTRACT PAYMENTS** (DEC 2006)  
(IAW DFARS 232.7102)
- ACCOUNTING AND APPROPRIATION DATA** (AUG 1998)

ACRN	Accounting and Appropriation Chargeable Funds Citation	Amount Chargeable
AA	97 X4930 FC04 64 0 47 GH 15400Z 01N000 00000 400Z00 503000 F03000	\$7,865,190.00

ACRN	Accounting and Appropriation Chargeable Funds Citation	Amount Chargeable
PSR: J89260 FSR: 013105 DSR: 223623		
REFERENCE:		
SDN # F2DCCW0111B054		
AB TBD		\$0.00
ACRN TOTAL		\$ 7,865,190.00

**5352.232-9002 TRANSPORTATION APPROPRIATION CHARGEABLE (AFMC) (OCT 2008)**  
(IAW AFMCFARS 5332.705(90))

Insert 3 if movement via surface mode or 2 if movement via airlift in place of any "\*" shown.  
Insert last digit of current fiscal year in place of any asterisk "\*" shown when material is shipped.

TAI	ATAC	FMS ALLOTMENT /NOTE
TAA	ACRN AA	

**252.242-7003 APPLICATION FOR U.S. GOVERNMENT SHIPPING  
DOCUMENTATION/INSTRUCTIONS (DEC 1991)**  
(IAW DFARS 242.1404-2-70)

**52.246-11 HIGHER-LEVEL CONTRACT QUALITY REQUIREMENT (FEB 1999)**  
(IAW FAR 48.311, DFARS 246.202-4(1))

The Contractor shall comply with the higher-level quality standard selected below. [If more than one standard is listed, the offeror shall indicate its selection by checking the appropriate block.]"

	Title	Number	Date	Tailoring
*See Individual Line Item Schedule				

**52.246-16 RESPONSIBILITY FOR SUPPLIES (APR 1984)**  
(IAW FAR 46.316)

**252.246-7000 MATERIAL INSPECTION AND RECEIVING REPORT (MAR 2008)**  
(IAW DFARS 246.370)

**INSPECTION AND ACCEPTANCE (SEP 1999)**  
(IAW FAR 46.401(b), FAR 46.503)

Preliminary inspection and acceptance will be at:
Item No(s): See schedule for items that specify preliminary inspection.
<b>Inspection Code and Address:</b> 81982 HYDRO-AIRE, INC. 3000 WINONA AVE BURBANK, CA 91504-2540

Government Contract Quality Assurance Inspection and Acceptance will be at (Final):
Item No(s): See schedule for items with the following code(s) listed below :



**Inspection Code and Address:**

9A289  
DOUBLE "J" PACKAGING  
9834 GLENOAKS BLVD  
SUN VALLEY, CA 91352-1046

**52.247-1 COMMERCIAL BILL OF LADING NOTATIONS (FEB 2006)**  
(IAW FAR 47.104-4(a), FAR 47.104-4(b))

**52.247-60 GUARANTEED SHIPPING CHARACTERISTICS (DEC 1989)**  
(IAW FAR 47.305-16(b)(1))

(a) The offeror is requested to complete subparagraph (a)(1) of this clause, for each part or component which is packed or packaged separately. This information will be used to determine transportation costs for evaluation purposes. If the offeror does not furnish sufficient data in subparagraph (a)(1) of this clause, to permit determination by the Government of the item shipping costs, evaluation will be based on the shipping characteristics submitted by the offeror whose offer produces the highest transportation costs or in the absence thereof, by the Contracting Officer's best estimate of the actual transportation costs. If the item shipping costs, based on the actual shipping characteristics, exceed the item shipping costs used for evaluation purposes, the Contractor agrees that the contract price shall be reduced by an amount equal to the difference between the transportation costs actually incurred, and the costs which would have been incurred if the evaluated shipping characteristics had been accurate.

(1) To be completed by the offeror:

(i) Type of container: Wood Box [ ], Fiber Box [ ], Barrel [ ], Reel [ ], Drum [ ], Other

(Specify) \_\_\_\_\_;

(ii) Shipping configuration: Knocked-down [ ], Set-up [ ], Nested [ ], Other (specify)

\_\_\_\_\_;

(iii) Size of container: "\_\_\_\_" (Length), x "\_\_\_\_" (Width), x "\_\_\_\_" (Height) = \_\_\_\_ Cubic Ft;

(iv) Number of items per container \_\_\_\_\_ each;

(v) Gross weight of container and contents \_\_\_\_\_ Lbs

(vi) Palletized/skidded [ ] Yes [ ] No;

(vii) Number of containers per pallet/skid \_\_\_\_\_;

(viii) Weight of empty pallet/skid and sides \_\_\_\_\_ Lbs;

(ix) Size of pallet/skid and contents \_\_\_\_\_ Lbs Cube \_\_\_\_\_;

(x) Number of containers or pallets/skids per railcar \_\_\_\_\_\*--

Size of railcar \_\_\_\_\_

Type of railcar \_\_\_\_\_

(xi) Number of containers or pallets/skids per trailer \_\_\_\_\_\*--

Size of trailer \_\_\_\_\_ Ft

Type of trailer \_\_\_\_\_

\*Number of complete units (contract line item) to be shipped in carrier's equipment.

(2) To be completed by the Government after evaluation but before contract award:

(i) Rate used in evaluation \* \_\_\_\_\_;

(ii) Tender/Tariff \*\* \_\_\_\_\_;

(iii) Item \*\*\* \_\_\_\_\_;

*Rate	**Tender	***Item No
		0001
		0002
		0003
		0004
		1001
		1002
		1003
		1004

(b) The guaranteed shipping characteristics requested in subparagraph (a)(1) of this clause do not establish actual transportation requirements, which are specified elsewhere in this solicitation. The guaranteed shipping characteristics will be used only for the purpose of evaluating offers and establishing any liability of the successful offeror for increased transportation costs resulting from actual shipping characteristics which differ from those used

for evaluation in accordance with paragraph (a) of this clause.

- 52.247-61** **F.O.B. ORIGIN-MINIMUM SIZE OF SHIPMENTS** (APR 1984)  
(IAW FAR 47.305-16(c))
- 52.247-65** **F.O.B. ORIGIN, PREPAID FREIGHT--SMALL PACKAGE SHIPMENTS** (JAN 1991)  
(IAW FAR 47.303-17(f))
- 5352.247-9000** **COMMERCIAL BILL OF LADING SHIPMENTS - CARRIER'S RATES (AFMC)**  
(OCT 2008)  
(IAW AFMCFARS 5347.104-4(90))
- 5352.247-9005** **SHIPPING CONTAINER MARKING (AFMC)** (MAR 2003)  
(IAW AFMCFARS 5347.305-10(a)(91), AFMCFARS 5347.305-10(a)(93), AFMCFARS  
5347.305-10(a)(94), AFMCFARS 5347.305-10(a)(95))

All shipping containers shall be marked meeting the following criteria:

- (a) MIL-STD-129 P, Standard Practice for Military Marking.
- (b) Bar code format shall conform to bar code symbology Format 3 of 9, Code 39 as specified in MIL-STD-129 P.
- (c) Additional marking and/or bar coding requirements exceeding those of MIL-STD-129 P, e.g., unit serial numbers, original equipment manufacturer's (OEM) name, or OEM model number, as specified on the AFMC Form 158:

PACRN(s) Applicable to 5352.247-9005	Additional Bar Coding or Marking Requirements (if applicable)
PAA	Not Applicable

- 5352.247-9009** **MILITARY PACKAGING AND MARKING (AFMC)** (AUG 2002)  
(IAW AFMCFARS 5347.305-10(a)(95))

Items shall be packaged in accordance with MIL-STD-2073-1 D, Standard Practice for Military Packaging. Shipping and storage markings shall be in accordance with MIL-STD-129 P, Standard Practice for Military Marking.

The MIL-STD-2073/No Packaging Data Available is as follows:

PACRN	PRESERVATION LVL	PACKING LVL	QUP
PAA	MIL	B	001

PACRN	SUPPLEMENTAL PACKAGING
PAA	

- 5352.247-9014** **UNILATERAL AMENDED SHIPPING INSTRUCTIONS (ASIs), F.O.B. ORIGIN (AFMC)**  
(OCT 2008)  
(IAW AFMCFARS 5347.305-10(b)(93))

**F.O.B. ORIGIN** (OCT 1993)  
(IAW FAR 47.305(b))

Any supply item applicable to this document shall be delivered F.O.B. at:

F.O.B. Address:



9A289  
DOUBLE "J" PACKAGING  
9834 GLENOAKS BLVD  
SUN VALLEY, CA 91352-1046

**WOODEN LUMBER, WOODEN PALLET AND PACKAGING/CONTAINER STATEMENT**  
(FEB 2007)

(IAW AFMC FORM 158)

All wooden lumber, wooden pallets, and wooden containers produced entirely or in part of solid wood packing material (SWPM) shall be constructed from heat-treated (HT) material (HT 56 degrees centigrade or 133 degrees Fahrenheit for 30 minutes). Certification/markings is required by an accredited agency recognized by the American Lumber Standards Committee (ALSC). For reference documentation, see "International Standards for Phytosanitary Measures (ISPM) No. 15." This document can be found at [www.ippc.int](http://www.ippc.int).

**52.252-6**

**AUTHORIZED DEVIATIONS IN CLAUSES (APR 1984)**

(IAW FAR 52.107(f))

(a) The use in this contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the clause.

(b) The use in this contract of any *Defense Federal Acquisition Regulation Supplement* (48 CFR Chapter 2) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

**LIST OF DOCUMENTS, EXHIBITS OR ATTACHMENTS**

Form Number	Description/File Name	Date	Number of Pages
HILL AFB FORM 462	Engineering Data Requirements Attachment "A"	15SEP2009	1
HILL AFB FORM 462	Engineering Data Requirements Attachment "A"	15SEP2009	1
EDL	Engineering Data List - Rev 2	15SEP2009	1
EDL	Engineering Data List - Rev 2	15SEP2009	1