

SECTION I – CONTRACT CLAUSES

52.252-2 -- Clauses Incorporated by Reference (Feb 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es): <https://www.acquisition.gov/far/>

Clause	Title
52.202-1	Definitions (July 2004)
52.203-3	Gratuities (Apr 1984)
52.203-5	Covenant Against Contingent Fees (Apr 1984)
52.203-6	Restrictions On Subcontractor Sales To The Government (Sept 2006)
52.203-7	Anti-Kickback Procedures (Jul 1995)
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (Jan 1997)
52.203-10	Price Or Fee Adjustment For Illegal Or Improper Activity (Jan 1997)
52.203-12	Limitation On Payments To Influence Certain Federal Transactions (Sept 2007)
52.203-13	Contractor Code of Business Ethics and Conduct (Dec 2008)
52.203-14	Display of Hotline Poster(s) (Dec 2007) Department of State OIG Fraud Hotline Poster; http://oig.state.gov/documents/organization/126343.pdf
52.204-2	Security Requirements (Aug 1996)
52.204-4	Printed or Copied Double-Sided on Recycled Paper (Aug 2000)
52.204-7	Central Contractor Registration (Apr 2008)
52.204-9	Personal Identity Verification of Contractor Personnel. (Sept 2007)
52.204-10	Reporting Subcontract Awards.
52.207-5	Option To Purchase Equipment (Feb 1995)
52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (Sept 2006)
52.211-5	Material Requirements (Aug 2000)
52.215-2	Audit and Records--Negotiation (Mar 2009)
52.215-8	Order of Precedence--Uniform Contract Format (Oct 1997)
52.215-10	Price Reduction for Defective Cost or Pricing Data (Oct 1997)
52.215-11	Price Reduction for Defective Cost or Pricing Data--Modifications (Oct 1997)
52.215-12	Subcontractor Cost or Pricing Data (Oct 1997)
52.215-13	Subcontractor Cost or Pricing Data--Modifications (Oct 1997)
52.215-14	Integrity of Unit Prices (Oct 1997)
52.215-19	Notification of Ownership Changes (Oct 1997)
52.215-21	Requirements for Cost or Pricing Data or Information Other Than Cost or Pricing Data – Modifications (Oct 1997)
52.215-23	Limitations on Pass-Through Charges (Oct 2009)
52.216-7	Allowable Cost and Payment (Dec 2002)
52.216-11	Cost Contract – No Fee (Apr 1984)
52.216-18	Ordering (Oct 1995)
52.216-19	Order Limitations (Oct 1995)
52.216-22	Indefinite Quantity (Oct 1995)
52.217-8	Option to Extend Services (Nov 1999)
52.217-9	Option to Extend the Term of the Contract (Mar 2000)
52.219-8	Utilization of Small Business Concerns (May 2004)

52.219-9	Small Business Subcontracting Plan (Apr 2008) ALT II
52.219-10	Incentive Subcontracting Program (Oct 2001)
52.219-16	Liquidated Damages-Subcontracting Plan (Jan 1999)
52.222-1	Notice to the Government of Labor Disputes (Feb 1997)
52.222-3	Convict Labor (Jun 2003)
52.222-21	Prohibition of Segregated Facilities (Feb 1999)
52.222-26	Equal Opportunity (Mar 2007)
52.222-29	Notification of Visa Denial (June 2003)
52.222-35	Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era and Other Eligible Veterans (Sept 2006)
52.222-36	Affirmative Action for Workers with Disabilities (June 1998)
52.222-37	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sept 2006)
52.222-39	Notification of Employee Rights Concerning Payment of Union Dues or Fees (Dec 2004)
52.222-50	Combating Trafficking in Persons (Feb 2009)
52.222-54	Employment Eligibility Verification (Jan 2009)
52.223-2	Affirmative Procurement of Biobased Products under Service and Construction Contracts (Dec 2007)
52.223-3	Hazardous Material Identification and Material Safety Data (Jan 1997) ALT I
52.223-5	Pollution Prevention and Right-to-Know Information (Aug 2003)
52.223-6	Drug Free Workplace (May 2001)
52.223-7	Notice of Radioactive Materials (Jan 1997)
52.223-9	Estimate of Percentage of Recovered Material Content for EPA-Designated Items (May 2008)
52.223-10	Waste Reduction Program
52.223-14	Toxic Chemical Release Reporting
52.223-15	Energy Efficiency in Energy-Consuming Products (Dec 2007)
52.223-17	Affirmative Procurement of EPA-designated Items in Service and Construction Contracts (May 2008)
52.224-1	Privacy Act Notification (Apr 1984)
52.224-2	Privacy Act (Apr 1984)
52.225-1	Buy American Act--Supplies (Feb 2009)
52.225-3	Buy American Act--Free Trade Agreements--Israeli Trade Act (June 2009)
52.225-14	Inconsistency Between English Version and Translation of Contract (Feb 2000)
52.225-19	Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States (Mar 2008)
52.226-1	Utilization of Indian Organizations and Indian-Owned Economic Enterprises (June 2000)
52.227-1	Authorization and Consent (Dec 2007)
52.227-3	Patent Indemnity (Apr 1984)
52.227-11	Patent Rights--Retention by the Contractor (Dec 2007) [Complete according to agency instructions];
52.227-14	Rights in Data--General (Dec 2007)
52.227-17	Rights in Data--Special Works (Dec 2007)
52.227-19	Commercial Computer Software License (Dec 2007)
52.228-3	Worker's Compensation Insurance (Defense Base Act) (Apr 1984)
52.228-4	Workers' Compensation and War-Hazard Insurance Overseas (Apr 1984)
52.228-5	Insurance—Work on a Government Installation (Jan 1997)
52.229-3	Federal, State and Local Taxes (Apr 2003)
52.229-6	Taxes--Foreign Fixed-Price Contracts (June 2003)
52.230-2	Cost Accounting Standards (Oct 2008)
52.230-3	Disclosure And Consistency Of Cost Accounting Practices (Oct 2008)
52.230-6	Administration of Cost Accounting Standards (Mar 2008)
52.232-1	Payments (Apr 1984)
52.232-7	Payments Under Time-and-Materials and Labor-Hour Contracts (Feb 2007)
52.232-8	Discounts for Prompt Payment (Feb 2002)
52.232-11	Extras (Apr 1984)

52.232-17	Interest (Oct 2008)
52.232-18	Availability of Funds (Apr 1984)
52.232-20	Limitation of Cost (APR 1984) "Applicable Task Order " replaces "Schedule" in this clause."
52.232-22	Limitation of Funds (APR 1984) "Applicable Task Order" replaces "Schedule " in this clause
52.232-23	Assignment Of Claims (Jan 1986)
52.232-25	Prompt Payment (Oct 2008)
52.232-32	Performance-Based Payments (Jan 2008) 30th
52.232-33	Payment by Electronic Transfer - Central Contractor Registration (Oct 2001)
52.233-1	Disputes – Alternate I (July 2002)
52.233-3	Protest after Award (Aug 1996)
52.233-4	Applicable Law for Breach of Contract Claim (Oct 2004)
52.236-1	Performance or Work by the Contractor (Apr 1984)
52.236-2	Differing Site Conditions (Apr 1984)
52.236-14	Availability and Use of Utility Services (Apr 1984)
52.237-2	Protection of Government Buildings, Equipment, and Vegetation (Apr 1984)
52.237-3	Continuity of Services (Jan 1991)
52.242-13	Bankruptcy (jul 1995)
52.242-15	Stop-Work Order (Aug 1989)
52.242-3	Penalties for Unallowable Costs (May 2001)
52.242-4	Certification of Final Indirect Costs (Jan 1997)
52.243-1	Changes— Fixed Price
52.243-2	Changes-- Cost Reimbursement
52.243-3	Changes – Time and Materials or Labor Hours
52.243-4	Changes
52.243-5	Changes and Changed Conditions (April 1984)
52.244-2	Subcontracts (Oct 2010)
52.244-4	Subcontractors and Outside Associates and Consultants (Architech-Engineering Services) (Aug 1998)
52.244-6	Subcontracts for Commercial Items (May 2014)
52.245-1	Government Property Alternate I (June 2007)
52.245-9	Use and Charges (June 2007)
52.246-4	Inspection of Services—Fixed Price (Aug 1996)
52.246-6	Inspection—Time-and-Material and Labor-Hour (May 2001)
52.246-25	Limitation of Liability—Services (Feb 1997)
52.247-1	Commercial Bill of Lading Notations (Feb 2006)
52.247-21	Contractor Liability for Personal Injury and/or Property Damage (Apr 1984)
52.247-63	Preference for U.S.-Flag Air Carriers (Jun 2003)
52.247-64	Preference for Privately Owned U.S. -Flag Commercial Vessels
52.248-1	Value Engineering (Feb 2000) ;
52.249-2	Termination for Convenience of the Government (Fixed-Price) (May 2004)
52.249-6	Termination (Cost Reimbursement) Alternate IV (May 2004)
52.249-8	Default (Fixed-Price Supply and Service) (Apr 1984)
52.249-14	Excusable Delays (Apr 1984)
52.253-1	Computer Generated Forms (Jan 1991)

The following Department of State Acquisition Regulation (DOSAR) clauses are hereby incorporated by reference with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es): <http://farsite.hill.af.mil/vffara.htm> and http://aope.a.state.gov/dosar/fullscreen.asp?menu_id=40

652.216-70

Ordering—Indefinite-Delivery Contract (Apr 2004)

652.225-71

Section 8(a) of the Export Administration Act of 1979, As Amended (Aug 1999)

652.216-71	PRICE ADJUSTMENT (AUG 1999) [fill in: "foreign countries of task order performance"]
652.219-73	MENTOR REQUIREMENTS AND EVALUATION (APR 2004)
652.228-71	WORKER'S COMPENSATION INSURANCE (Defense Base Act) -SERVICES (JUN 2006)
652.229-70	EXCISE TAX EXEMPTION STATEMENT FOR CONTRACTORS WITHIN THE UNITED STATES (JUL 1988)
652.229-71	PERSONAL PROPERTY DISPOSITION AT POSTS ABROAD (AUG 1999)
652.232-72	LIMITATION OF FUNDS (AUG 1999)
652.236-70	ACCIDENT PREVENTION (APR 2004)
652.239-71	SECURITY REQUIREMENTS FOR UNCLASSIFIED INFORMATION TECHNOLOGY RESOURCES (SEP 2007)
652.242-71	NOTICE OF SHIPMENTS (JUL 1988)
652.242-72	SHIPPING INSTRUCTIONS (DEC 1994)
652.242-73	AUTHORIZATION AND PERFORMANCE (AUG 1999)
652.243-70	NOTICES (AUG 1999)

Department of State Acquisition Regulation (DOSAR) clauses in full text:

SPOT Requirements

In accordance with paragraph (g) of contract clause 52.225-19, Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States, the contractor shall use Synchronized Predeployment and Operational Tracker (SPOT). Contractor shall enter before deployment, or if already in the designated operational area, enter upon becoming an employee under the contract, and maintain current data, including departure data, for all Contractor personnel that are authorized to support a diplomatic or consular mission outside the United States. Information on how to register in SPOT is available at <http://www.dod.mil/bta/products/spot.html>.

CONTRACTOR IDENTIFICATION (JULY 2008)

Contract performance may require contractor personnel to attend meetings with government personnel and the public, work within government offices, and/or utilize government email.

Contractor personnel must take the following actions to identify themselves as non-federal employees:

- 1) Use an email signature block that shows name, the office being supported and company affiliation (e.g. “John Smith, Office of Human Resources, ACME Corporation Support Contractor”);
- 2) Clearly identify themselves and their contractor affiliation in meetings;
- 3) Identify their contractor affiliation in Departmental e-mail and phone listings whenever contractor personnel are included in those listings; and
- 4) Contractor personnel may not utilize Department of State logos or indicia on business cards.

(end of clause)

652.204-70 Department of State Personal Identification Card Issuance Procedures (AUG 2007)

(a) The Contractor shall comply with the Department of State (DOS) Personal Identification Card Issuance Procedures for all employees performing under this contract who require frequent and continuing access to DOS facilities, or information systems. The Contractor shall insert this clause in all subcontracts when the subcontractor’s employees will require frequent and continuing access to DOS facilities, or information systems.

(b) The DOS Personal Identification Card Issuance Procedures may be accessed at <http://www.state.gov/m/ds/rls/rpt/c21664.htm> .

(End of clause)

Accounting for Government Property (JUN 2007)

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

“Disposed” means government property that has been removed from use on the contract.

“Vehicle” includes, but is not limited to, any of the items on the following list:

- (1) Sedans and station wagons (i.e., large, mid-size, compact, sub-compact, “smart car”, hybrid electric sedans and/or station wagons (any vehicle in this list that is hybrid electric).

(2) Passenger-carrying trucks (i.e., SUV – compact and full-size; Van -- full-size and mini-van; Humvee; Ambulance; Bus; Hybrid electric passenger-carrying trucks (any vehicle in this list that is hybrid electric).

(3) Maintenance/utility trucks (i.e., delivery (step) van; cargo van; panel van; Pickup truck – extended cab, crew-cab, etc.; utility truck; stake body truck; enclosed van truck; dump truck; water truck; fuel truck; tractor truck; wrecker; yard mule (for moving a trailer around in a holding yard); flat bed vehicle haulers).

(4) Other vehicles (i.e., motor-cycle/scooter; farm tractor; street sweeper; trailer (including flatbed, box, refrigerator, office, utility, and stationary storage trailers); forklift (including both warehouse and rough terrain forklifts); cherry picker; motorized cart; motorized MHE (material handling equipment, such as powered forklifts, pallet jacks and warehouse cranes); all-terrain vehicles; neighborhood electric vehicles, including mobile crane, earth moving equipment, portable generator, portable welder, portable lights set.)

(5) Armored vehicles – any of the above vehicles that are armored.

(b) The Contractor shall establish and maintain a property management system that is in accordance with the clause at FAR 52.245-1, Government Property. This clause “Accounting for Government Property (JUN 2007)” supplements these requirements by defining reporting.

(c) The Contractor shall submit electronically one report on an annual basis and three other reports on a quarterly basis for the following:

(1) Where vehicles or aircraft regardless of cost are provided by the government or purchased by the Contractor for the account of the government;

(2) Where software exceeding \$500,000 in value, including labor cost to develop, is provided by the government or acquired by the Contractor for the account of the government;

(3) Where personal property greater than \$25,000 (not in (1) or (2) above), is provided by the government or acquired by the contractor for the account of the government.

(d) The Contractor shall submit all annual and quarterly reports in the following format except as stated in paragraph (e) below:

- (1) Property shall be grouped by the following property classifications:
 - (i) Vehicles;
 - (ii) Communication Equipment;
 - (iii) Information Technology (IT) Equipment;
 - (iv) Software;
 - (v) Reproduction Equipment;
 - (vi) Aircraft;
 - (vii) Other Equipment;
- (2) Data Elements for each unit of property shall include:
 - (i) Contract/Order Number: Federal government contract or purchase order number;
 - (ii) Property classification: From classification listed in subparagraph (d)(1) above;
 - (iii) Denote as either government-furnished property (GFP) or contractor-acquired property (CAP).
 - (iv) Description of Property Purchased: Description of the property involved, including any model or serial number;
 - (v) Property number: Unique identifier assigned to asset such as barcode label (Tag Number) or system assigned number. For vehicles this must be the vehicle identification number;
 - (vi) Quantity: Separately identify each individual unit based on threshold/vehicle criteria;
 - (vii) Date Received/Acquisition Date: Date asset arrived on loading dock or when contractor took possession;
 - (viii) In-Service Date: Enter the date that the item was put in use or service;
 - (ix) Acquisition Method: For transferred property, the name of the entity,

organization, or Federal agency that transferred the property. For purchase or fabrication, state method from below:

(A) Purchased;

(B) Transferred;

(C) Government-Furnished Property (GFP);

(x) Contractor Acquisition Cost: Use acquisition cost plus the cost to deploy the asset (i.e., shipping, set up) for acquired assets. Use estimated fair-market value for items transferred or donated, at the time acquired, if actual cost is unknown.

(xi) Estimated Useful Life in Years: The period during which the item is expected to provide the service for which it was intended. Should normally be equivalent to the depreciation schedule.

(xii) Current Location of the Property: Country and address of the property.

(xiii) Condition:

(A) Excellent Condition;

(B) Good Condition;

(C) Fair Condition;

(D) Poor Condition

(e) The Contractor shall supply the following data elements for all government property that has been disposed:

(1) Contract/Order Number: Federal contract or purchase order number;

(2) Property classification: (see classification listed in subparagraph (d)(1) above);

(3) Property number: Unique identifier assigned to asset as described in subparagraph (d)(2)(iv) above;

(4) Quantity is per unit consistent with information submitted for property;

(5) Disposal Date: Enter the date on which the property was disposed;

(6) Method of disposal and selling price (if applicable):

- (i) Destruction;
- (ii) Sale;
- (iii) Transfer to Another Agency;
- (iv) Returned to the Department of State.

(f) The Contractor shall submit a full property report (as described in this clause, including affirmation) as the quarterly report covering the first quarter of the contract. After that, quarterly property reports may be either a full property report, or only updates to the full property report. Except for the first quarter of the contract, quarterly reports do not require affirmations even when the Contractor chooses to submit a full property report. Affirmations are only required for the report covering the first quarter of the contract, and the annual report. If the Contractor submits a full property report, dispositions subsequent to any previous report must also be identified in the report. If a Contractor submits a quarterly report in the form of an update, the update shall include acquisitions, dispositions, and transfers.

(g) The Contractor shall provide any required affirmations in the following format. This affirmation must be signed by the Contractor's Senior Vice President or equivalent:

I hereby affirm that a physical inventory of the government property (as defined in Federal Acquisition Regulation (FAR) 45.101, Definitions) of the Department of State for contract (*insert contract number*) has been completed as of (*insert date*), the inventory has been reconciled to our records and the property information in our report, and that to the best of my knowledge and belief, this inventory is accurate, current, and complete.

Signed: _____

Title: _____

Date: _____

(h) In addition to the information required above, the contractor shall also include in all property reports: (1) the current degree to which properly qualified government personnel have evaluated the contractor's property management system as being an adequate property management system; (2) the name, mailing address, telephone number and e-mail address of the qualified government person/people who performed the evaluation of the contractor's property management system; and, (3) the cognizant contractor government property manager.

(1) Annual property report: due January 1.

(2) Quarterly property reports:

Q1: January 1 to March 31, report due: Due April 1

Q2: April 1 to June 30, report due: July 1

Q3: July 1 to September 30, report due: October 1

Q4: October 1 to December 31: report due: January 1

(k) The Contractor shall send a copy of all reports to the individuals listed below. The Contractor shall submit in electronic format as attachments to an e-mail. The affirmation described in paragraph (g) of this clause shall be in Adobe Acrobat (".pdf") version 6.0 (or earlier) format (including the signature), while the inventories (both quarterly and annual) shall be in Microsoft Excel 2003 (or earlier) format. Send all reports to:

(1) The Contracting Officer;

(2) The COR;

(3) RM-FPRA-PROP@state.gov; and

(4) All individuals listed here (if any):

(End of clause)

652.242-70 Contracting Officer's Representative (COR).

CONTRACTING OFFICERS REPRESENTATIVE (AUG 1999)

(a) The Contracting Officer may designate in writing one or more Government employees, by name and position title, to take action for the Contracting Officer under this contract. Each designee shall be identified as a Contracting Officers Representative (COR). Such designation(s) shall specify the scope and limitations of the authority so delegated; provided, that the designee shall not change the terms or conditions of the contract, unless the COR is a warranted Contracting Officer and this authority is delegated in the designation.

(b) The COR will be identified in the task/delivery order.

(End of clause)