

EMBASSY OF THE UNITED STATES OF AMERICA



General Services Office
#1, Street 96, Phnom Penh, Cambodia
Tel: 023 728 000
Fax: 023 728 400

August 13, 2019

Dear Prospective Offeror/Quoter:

SUBJECT: Solicitation 19CB6019Q0036: Request for Quotation for “The Supply of Reagent for RCAF Peacekeeper, NAMRU2 Office”, U.S Embassy, Phnom Penh

The U.S. Embassy Phnom Penh has a requirement for a vendor to supply of Reagent for RCAF Peacekeeper, NAMRU2 Office. You are invited to submit a quotation. The Request for Quotations (RFQ) consists of the following sections:

1. Standard Form SF-18
2. Basic information, technical specifications, and product catalog

The Embassy plans to award a purchase order. You are encouraged to make your quotation competitive. You are also cautioned against any collusion with other potential offerors with regard to price quotations to be submitted. The RFQ does not commit the Embassy to make any award. The Embassy may cancel this RFQ or any part of it.

Please read the RFQ carefully, and if you are interested, submit your quotation. Your quotation must be submitted in sealed envelopes marked Quotation for “The Supply of Reagent for RCAF Peacekeeper, NAMRU2 Office”, U.S Embassy, Phnom Penh to **GSO-Procurement Section, # 1, Street 96**, Phnom Penh, CAMBODIA or be sent by email to **PhnomPenhProcurement@state.gov** on or before **4:00 PM on August 28, 2019**. Late quotations will not be accepted. RFPs will be evaluated using the lowest price, technically acceptable (LPTA) method.

Direct any questions regarding this solicitation to (PhnomPenhProcurement@state.gov).

Sincerely,

Brendan J. Harley
Contracting Officer

Enclosure:
As Stated.

REQUEST FOR QUOTATIONS <i>(THIS IS NOT AN ORDER)</i>		THIS RFQ <input type="checkbox"/> IS <input checked="" type="checkbox"/> IS NOT A SMALL BUSINESS- SMALL PURCHASE SET-ASIDE (52.219-4)			PAGE 1	PAGES 14
1. REQUEST NO. 19CB6019Q0036	2. DATE ISSUED August 13, 2019	3. REQUISITION/PURCHASE REQUEST NO.	4. CERT. FOR NAT. DEF. UNDER BDSA REG. 2 AND/OR DMS REG. 1	RATING		
5A. ISSUED BY General Services Office, U.S. Embassy Phnom Penh #1, St. 96, Sangkat Wat Phnom, Phnom Penh			6. DELIVER BY <i>(Date)</i> 1-3 months after issuing order			
5B. FOR INFORMATION CALL: <i>(Name and telephone no.) (No collect calls)</i>			7. DELIVERY			
NAME Brendan Harley Email: PhnomPenhProcurement@state.gov		TELEPHONE NUMBER AREA CODE NUMBER 023 728 000		<input checked="" type="checkbox"/> FOB DESTINATION OTHER <i>(See Schedule)</i>		
8. TO:			9. DESTINATION			
a. NAME		b. COMPANY		a. NAME OF CONSIGNEE U.S Embassy Phnom Penh		
c. STREET ADDRESS			b. STREET ADDRESS #1, St. 96, Sangkat Wat Phnom			
d. CITY		e. STATE	f. ZIP CODE	c. CITY Phnom Penh		
				d. STATE	e. ZIP CODE	
10. PLEASE FURNISH QUOTATIONS TO THE ISSUING OFFICE IN BLOCK 5A ON OR BEFORE CLOSE OF BUSINESS <i>(Date)</i> August 28, 2019 @ 4.00 PM		IMPORTANT: This is a request for information, and quotations furnished are not offers. If you are unable to quote, please so indicate on this form and return it to the address in Block 5A. This request does not commit the Government to pay any costs incurred in the preparation of the submission of this quotation or to contract for supplies or services. Supplies are of domestic origin unless otherwise indicated by quoter. Any representations and/or certifications attached to this Request for Quotations must be completed by the quoter				
11. SCHEDULE <i>(Include applicable Federal, State and local taxes)</i>						
ITEM NO. (a)	SUPPLIES/SERVICES (b)	QUANTITY (c)	UNIT (d)	UNIT PRICE (e)	AMOUNT (f)	
1	(Brand name or equal) (Detailed specifications enclosed)					
12 DISCOUNT FOR PROMPT PAYMENT		a. 10 CALENDAR DAYS %	b. 20 CALENDAR DAYS %	c. 30 CALENDAR DAYS %	d. CALENDAR DAYS NUMBER %	
NOTE: Additional provisions and representations <input type="checkbox"/> are <input type="checkbox"/> are not attached.						
13 NAME AND ADDRESS OF QUOTER			14 SIGNATURE OF PERSON AUTHORIZED TO SIGN QUOTATION		15 DATE OF QUOTATION	
a. NAME OF QUOTER						
b. STREET ADDRESS			16. SIGNER			
c. COUNTY			a. NAME (Type or print) Brendan Harley		b. TELEPHONE	
d. CITY	e. STATE	f. ZIP CODE	c. TITLE (Type or print) Contracting Officer		AREA CODE NUMBER	

I- DESCRIPTION/SPECIFICATIONS/WORK STATEMENT

No.	Required Technical Specifications (Brand name or equal)	Unit	Unit Price	Total
1	<p>100 bp DNA Ladder is designed for sizing and approximate quantification of double-stranded DNA in the range of 100 bp to 2,000 bp. 100 bp DNA Ladder consists of 13 individual chromatography-purified DNA fragments and has reference bands at 2000, 1500, and 600 bp for easy orientation.</p> <p>(Brand name or equal)</p> <ul style="list-style-type: none"> - Storage Condition: -20°C - Shipping Condition: -20°C <p><i>Ref. Only:</i> 100 bp DNA Ladder, Unit size: 250 ug, Cat#15628-050, Invitrogen™, Thermo Fisher Scientific Inc.</p>	5 Tubes		
2	<p>The internally uncoated capillaries are supplied in preassembled sets of 8 capillaries per array, with a built-in frame for easy installation.</p> <p>(Brand name or equal)</p> <ul style="list-style-type: none"> - Storage Condition: +15 to +25C - Shipping Condition: +15 to +25C <p><i>Ref. Only:</i> 3500 Genetic Analyzer 8-Capillary Array, 50 cm, Unit size: 1 array, Cat# 4404685, Applied Biosystems™, Thermo Fisher Scientific Inc.</p>	2 Kits		
3	<p>The BigDye® Terminator v3.1 sequencing standard kit contains four tubes, each of which contains enough DNA of a known 1200 base pair sequence prepared with BigDye® Terminator v3.1 to perform one spectral calibration / performance check and/or one control sequencing run on the Applied Biosystems® 3500 Series Genetic Analyzer. The DNA contained in the preparation has been lyophilized to maximize stability.</p> <p>(Brand name or equal)</p> <ul style="list-style-type: none"> - Storage Condition: -20°C - Shipping Condition: -20°C <p><i>Ref. Only:</i> QIAGEN Multiplex PCR Kit (1000), Cat# 206145, Qiagen Inc.</p>	1 Kit		

4	<p>The anode buffer container (ABC) contains 1x running buffer to support all electrophoresis applications on the Applied Biosystems 3500 series Genetic Analyzers. It is made in a ready-to-use, disposable container with a radio frequency identification (RFID) tag incorporated into the label. The top of the ABC is heat sealed with a plastic film, which should be removed prior to direct installation on to the instrument. Each package includes four individual containers.</p> <p>(Brand name or equal)</p> <ul style="list-style-type: none"> - Storage Condition: 2-8°C - Shipping Condition: 2-8°C <p><i>Ref. Only:</i> Anode Buffer Container (ABC) 3500 Series, Unit size: 4 pack, Cat# 4393927, Applied Biosystems™, Thermo Fisher Scientific Inc.</p>	5 Kits		
5	<p>The BigDye XTerminator® Purification Kit is a fast, simple purification method for DNA sequencing reactions that removes unincorporated BigDye® terminators and salts. No more dye blobs! Cleanup is complete in under 40 minutes and requires less than 10 minutes of labor.</p> <p>(Brand name or equal)</p> <ul style="list-style-type: none"> - Storage Condition: 2-8°C - Shipping Condition: 2-8°C <p><i>Ref. Only:</i> BigDye XTerminator™ Purification Kit, Unit size: 1,000 preps, Cat# 4376487, Applied Biosystems™, Thermo Fisher Scientific Inc.</p>	2 Kits		
6	<p>The BigDye® Terminator v3.1 Cycle Sequencing Kit's robust, highly flexible chemistry is ideal for de novo sequencing, resequencing, and finishing with PCR product, plasmid, fosmid, and BAC templates.</p> <p>(Brand name or equal)</p> <ul style="list-style-type: none"> - Storage Condition: -20°C - Shipping Condition: -20°C <p><i>Ref. Only:</i> BigDye™ Terminator v3.1 Cycle Sequencing Kit, Unit size: 100 reactions, Cat# 4337455, Applied Biosystems™, Thermo Fisher Scientific Inc.</p>	4 Kits		

7	<p>The cathode buffer container (CBC) contains 1x running buffer to support all electrophoresis applications on the Applied Biosystems® 3500 series Genetic Analyzers. The container has two separate compartments, the left side provides the cathode buffer for electrophoresis and the right side provides for a capillary wash and spent polymer waste ejection functionality between injections. The CBC is made in a ready-to-use, disposable container with a radio frequency identification (RFID) tag incorporated into the label. The top of the CBC is heat sealed with a plastic film, which should be removed prior to direct installation on to the instrument. Each package includes four individual containers.</p> <p>(Brand name or equal)</p> <ul style="list-style-type: none"> - Storage Condition: 2-8°C - Shipping Condition: 2-8°C <p><i>Ref. Only:</i> Cathode Buffer Container (CBC) 3500 Series, Unit size: 4 pack, Cat# 4408256, Applied Biosystems™, Thermo Fisher Scientific Inc.</p>	5 Kits		
8	<p>The 3500 series conditioning reagent is available as a ready-to-use pouch, and is used for priming the polymer pump, washing the polymer pump between polymer type changes, and during instrument shut down. The pouch has adequate volume for a one-time use. Incorporated into the label is a radio frequency identification (RFID) tag. The top part of the pouch fitment is sealed with a plastic film, which should be removed prior to installation on to the instrument.</p> <p>(Brand name or equal)</p> <ul style="list-style-type: none"> - Storage Condition: 2-8°C - Shipping Condition: 2-8°C <p><i>Ref. Only:</i> Conditioning Reagent, 3500 Series, Unit size: 1 unit, Cat# 4393718, Applied Biosystems™, Thermo Fisher Scientific Inc.</p>	40 Kits		
9	<p>The Applied Biosystems® MicroAmp® Optical 96-Well Reaction Plate with Barcode is optimized to provide unmatched temperature accuracy and uniformity for fast, efficient PCR amplification. This plate, constructed from a single rigid piece of polypropylene in a 96-well format, is compatible with Applied Biosystems® 96-Well Real-Time PCR systems and thermal cyclers.</p> <p>(Brand name or equal)</p>	2 Kits		

	<p>- Storage Condition: +15 to +25C - Shipping Condition: +15 to +25C</p> <p><i>Ref. Only:</i> MicroAmp™ Optical 96-Well Reaction Plate with Barcode, Unit size: 20 plates, Cat# 4306737, Applied Biosystems™, Thermo Fisher Scientific Inc.</p>			
10	<p>The POP-7™ separation matrix is optimized for short- to long-read sequencing and fragment analysis. POP-4™, POP-6™ and POP-7™ are conveniently offered in easy to use pouch packages with either 960 samples (maximum) or 384 samples (maximum) size formats. Each polymer is optimized for specific applications.</p> <p>(Brand name or equal)</p> <p>- Storage Condition: 2-8°C - Shipping Condition: 2-8°C</p> <p><i>Ref. Only:</i> POP-7™ Polymer for 3500/3500xL Genetic Analyzers, Unit size: 384 samples, Cat# 4393708, Applied Biosystems™, Thermo Fisher Scientific Inc.</p>	7 Kits		
11	<p>The SuperScript® III One-Step RT-PCR System with Platinum® Taq DNA Polymerase is designed for the sensitive, reproducible, end-point detection and analysis of RNA molecules by RT-PCR. Using this convenient one-step formulation, you can perform both cDNA synthesis and PCR amplification in a single tube using gene-specific primers, and target RNAs from either total RNA or mRNA. The system uses a mixture of SuperScript® III Reverse Transcriptase and Platinum® Taq DNA polymerase in an optimized reaction buffer, and it can detect a wide range of RNA targets, from 200 bp to 4.5 kb. The amount of starting material can range from 0.01 pg to 1 µg of total RNA.</p> <p>(Brand name or equal)</p> <p>- Storage Condition: -20°C - Shipping Condition: -20°C</p> <p><i>Ref. Only:</i> SuperScript™ III One-Step RT-PCR System with Platinum™ Taq DNA Polymerase, Unit size: 100 reactions, Cat# 12574026, Invitrogen™, Thermo Fisher Scientific Inc.</p>	8 Kits		

12	<p>The SuperScript III Platinum One-Step qRT-PCR Kit's proven formula delivers reliable, accurate target detection when it matters most. The convenient one-step format and consistent performance make it ideal for a number of gene expression applications, including infectious disease surveillance. The kit has been validated by several global public health organizations and has long been the choice of the US CDC for infectious disease surveillance.</p> <p>(Brand name or equal)</p> <p>- Storage Condition: -20°C - Shipping Condition: -20°C</p> <p><i>Ref. Only:</i> SuperScript™ III Platinum™ One-Step qRT-PCR Kit, 100 reactions, Cat# 11732-020, Invitrogen™, Thermo Fisher Scientific Inc.</p>	43 Kits		
13	<p>UltraPure™ 10X TBE Buffer is a sterile-filtered solution of 1 M Tris, 0.9 M boric acid, and 0.01 M EDTA used to prepare 1X buffer for polyacrylamide and agarose gel electrophoresis.</p> <p>(Brand name or equal)</p> <p>- Storage Condition: +15 to +25C - Shipping Condition: +15 to +25C</p> <p><i>Ref. Only:</i> UltraPure™ TBE Buffer, Unit size: 10 L, Cat#15581028, Invitrogen™, Thermo Fisher Scientific Inc.</p>	5 Bottles		
			Sub-total:	
			VAT 10%, if applicable:	
			Grand total:	

*Quotations will be evaluated on Package basis, and single purchase order will be awarded accordingly.

Special Requirements:

- Prospective vendor must guarantee that all of the offered items are new “New ONLY”, must be in original packaging, never used, and not altered in any way. All components must be manufacturer-approved and may not be compatible, remanufactured “not factory refurbished”.
- Quotation shall be provided with the detailed technical specifications and including product brochure or catalog.
- Quotation shall be provided with ETA delivery and warranty terms and delivery inspection.
- The Vendor has to provide quoted prices that are all-inclusive and include Cost, Insurance and Freight (CIF), and transportation to the U.S Embassy, Phnom Penh without Customs Duty, Tax, and VAT. The Embassy will issue Diplomatic Note – Tax Exemption letter to facilitate the clearance of the cargo with duty free.

Remark: The vendor is responsible for all costs of custom clearance processes, any of demurage charges, transportation, etc (Door-to-Door) at the following address.

Delivery Terms:

- Delivery address is NAMRU2 Office in Phnom Penh.
- Shipping conditions must be at temperature: Control as mentioned in the above description.
- We will reject any defected items or inappropriate storage condition.
- All ordered items shall be delivered to the above destination within 1-3 months after issuing order.

II- SYSTEM FOR AWARD MANAGEMENT

The U.S. Embassy Phnom Penh calls to your attention to the requirement of clause 52.204-7 – SYSTEM FOR AWARD MANAGEMENT (OCT 2016) in the solicitation document. The contractor must register in System for Award Management, and for registration, please follow the link: [https://www.sam.gov/ portal/ public/SAM/](https://www.sam.gov/portal/public/SAM/). Please see attached a quick-guide indicating steps of registration. This provision is not applicable if resulting order is less than \$ 30,000.

III- PAYMENT TERMS

Payment will be made via EFT within 30 days upon receipt of goods in accordance with the Embassy’s purchase order. Invoice shall be sent to:

Financial Management Officer
1, St. 96, Sangkat Wat Phnom, Daun Penh
Phnom Penh, Cambodia
Email: PHPVoucher@state.gov

**IV- CLAUSES FOR PURCHASE ORDERS AND BLANKET PURCHASE AGREEMENTS
AWARDED BY OVERSEAS CONTRACTING ACTIVITIES
(Current thru FAC 2005-95)**

COMMERCIAL ITEMS

FAR 52.252-2 Clauses Incorporated By Reference (FEB 1998)

This purchase order or BPA incorporates the following 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 address: <https://www.acquisition.gov/far>

DOSAR clauses may be accessed at: <http://www.statebuy.state.gov/dosar/dosartoc.htm>

FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1) CLAUSES

NUMBER	TITLE	DATE
52.204-9	Personal Identity Verification of Contractor Personnel (if contractor requires physical access to a federally-controlled facility or access to a Federal information system)	JAN 2011
52.212-4	Contract Terms and Conditions – Commercial Items (Alternate I (MAY 2014) of 52.212-4 applies if the order is time-and-materials or labor-hour)	JAN 2017
52.225-19	Contractor Personnel in a Diplomatic or Consular Mission Outside the United States (applies to services at danger pay posts only)	MAR 2008
52.227-19	Commercial Computer Software License (if order is for software)	DEC 2007
52.228-3	Workers’ Compensation Insurance (Defense Base Act) (if order is for services and contractor employees are covered by Defense Base Act insurance)	JUL 2014
52.228-4	Workers’ Compensation and War-Hazard Insurance (if order is for services and contractor employees are <u>not</u> covered by Defense Base Act insurance)	APR 1984

52.212-5 Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Items (JAN 2017)

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

__ (1) [52.203-6](#), Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) ([41 U.S.C. 4704](#) and [10 U.S.C. 2402](#)).

__ (2) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Oct 2015) ([41 U.S.C. 3509](#))).

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

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](#)).

__ (5) [Reserved].

__ (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).

X (8) [52.209-6](#), Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (Oct 2015) ([31 U.S.C. 6101 note](#)).

__ (9) [52.209-9](#), Updates of Publicly Available Information Regarding Responsibility Matters (Jul 2013) ([41 U.S.C. 2313](#)).

__ (10) [Reserved].

__ (11)(i) [52.219-3](#), Notice of HUBZone Set-Aside or Sole-Source Award (Nov 2011) ([15 U.S.C. 657a](#)).

__ (ii) Alternate I (Nov 2011) of [52.219-3](#).

__ (12)(i) [52.219-4](#), 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](#)).

__ (ii) Alternate I (JAN 2011) of [52.219-4](#).

__ (13) [Reserved]

__ (14)(i) [52.219-6](#), Notice of Total Small Business Set-Aside (Nov 2011) ([15 U.S.C. 644](#)).

__ (ii) Alternate I (Nov 2011).

__ (iii) Alternate II (Nov 2011).

__ (15)(i) [52.219-7](#), Notice of Partial Small Business Set-Aside (June 2003) ([15 U.S.C. 644](#)).

__ (ii) Alternate I (Oct 1995) of [52.219-7](#).

__ (iii) Alternate II (Mar 2004) of [52.219-7](#).

__ (16) [52.219-8](#), Utilization of Small Business Concerns (Nov 2016) ([15 U.S.C. 637\(d\)\(2\)](#)and (3)).

__ (17)(i) [52.219-9](#), Small Business Subcontracting Plan (Nov 2016) ([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 (Nov 2016) of [52.219-9](#).

__ (v) Alternate IV (Nov 2016) of [52.219-9](#).

__ (18) [52.219-13](#), Notice of Set-Aside of Orders (Nov 2011) ([15 U.S.C. 644\(r\)](#)).

__ (19) [52.219-14](#), Limitations on Subcontracting (Nov 2011) ([15 U.S.C. 637\(a\)\(14\)](#)).

__ (20) [52.219-16](#), Liquidated Damages—Subcontracting Plan (Jan 1999) ([15 U.S.C. 637\(d\)\(4\)\(F\)\(i\)](#)).

__ (21) [52.219-27](#), Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Nov 2011) ([15 U.S.C. 657 f](#)).

__ (22) [52.219-28](#), Post Award Small Business Program Rerepresentation (Jul 2013) ([15 U.S.C. 632\(a\)\(2\)](#)).

- ___ (23) [52.219-29](#), Notice of Set-Aside for, or Sole Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (Dec 2015) ([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 (Dec 2015) ([15 U.S.C. 637\(m\)](#)).
- X (25) [52.222-3](#), Convict Labor (June 2003) (E.O. 11755).
- ___ (26) [52.222-19](#), Child Labor—Cooperation with Authorities and Remedies (Oct 2016) (E.O. 13126).
- ___ (27) [52.222-21](#), Prohibition of Segregated Facilities (Apr 2015).
- ___ (28) [52.222-26](#), Equal Opportunity (Sept 2016) (E.O. 11246).
- ___ (29) [52.222-35](#), Equal Opportunity for Veterans (Oct 2015)([38 U.S.C. 4212](#)).
- ___ (30) [52.222-36](#), Equal Opportunity for Workers with Disabilities (Jul 2014) ([29 U.S.C. 793](#)).
- ___ (31) [52.222-37](#), Employment Reports on Veterans (FEB 2016) (38 U.S.C. 4212).
- ___ (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).
- ___ (ii) Alternate I (Mar 2015) of [52.222-50](#) ([22 U.S.C. chapter 78](#) and E.O. 13627).
- ___ (34) [52.222-54](#), Employment Eligibility Verification (OCT 2015). (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](#).)
- ___ (35) [52.222-59](#), Compliance with Labor Laws (Executive Order 13673) (OCT 2016). (Applies at \$50 million for solicitations and resultant contracts issued from October 25, 2016 through April 24, 2017; applies at \$500,000 for solicitations and resultant contracts issued after April 24, 2017).
- Note to paragraph (b)(35):** By a court order issued on October 24, 2016, 52.222-59 is enjoined indefinitely as of the date of the order. The enjoined paragraph will become effective immediately if the court terminates the injunction. At that time, GSA, DoD and NASA will publish a document in the Federal Register advising the public of the termination of the injunction.
- ___ (36) [52.222-60](#), Paycheck Transparency (Executive Order 13673) (OCT 2016).
- ___ (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 (DEC 2007) ([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](#).
- X (44) [52.223-18](#), Encouraging Contractor Policies to Ban Text Messaging While Driving (AUG 2011) (E.O. 13513).
- ___ (45) [52.223-20](#), Aerosols (JUN 2016) (E.O. 13693).
- ___ (46) [52.223-21](#), Foams (JUN 2016) (E.O. 13693).

- __ (47) [52.225-1](#), Buy American—Supplies (May 2014) ([41 U.S.C. chapter 83](#)).
- __ (48)(i) [52.225-3](#), Buy American—Free Trade Agreements—Israeli Trade Act (May 2014) ([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 (May 2014) of [52.225-3](#).
- __ (iii) Alternate II (May 2014) of [52.225-3](#).
- __ (iv) Alternate III (May 2014) of [52.225-3](#).
- __ (49) [52.225-5](#), Trade Agreements (OCT 2016) ([19 U.S.C. 2501](#), et seq., [19 U.S.C. 3301](#)note).
- _X_ (50) [52.225-13](#), Restrictions on Certain Foreign Purchases (June 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
- __ (51) [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](#)).
- __ (52) [52.226-4](#), Notice of Disaster or Emergency Area Set-Aside (Nov 2007) ([42 U.S.C. 5150](#)).
- __ (53) [52.226-5](#), Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) ([42 U.S.C. 5150](#)).
- _X_ (54) [52.232-29](#), Terms for Financing of Purchases of Commercial Items (Feb 2002) ([41 U.S.C. 4505](#), [10 U.S.C. 2307\(f\)](#)).
- __ (55) [52.232-30](#), Installment Payments for Commercial Items (Oct 1995) ([41 U.S.C. 4505](#), [10 U.S.C. 2307\(f\)](#)).
- _X_ (56) [52.232-33](#), Payment by Electronic Funds Transfer—System for Award Management (Jul 2013) ([31 U.S.C. 3332](#)).
- __ (57) [52.232-34](#), Payment by Electronic Funds Transfer—Other than System for Award Management (Jul 2013) ([31 U.S.C. 3332](#)).
- __ (58) [52.232-36](#), Payment by Third Party (May 2014) ([31 U.S.C. 3332](#)).
- __ (59) [52.239-1](#), Privacy or Security Safeguards (Aug 1996) ([5 U.S.C. 552a](#)).
- __ (60)(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](#)).
- __ (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:
- __ (1) [52.222-17](#), Nondisplacement of Qualified Workers (May 2014)(E.O. 13495).
- __ (2) [52.222-41](#), Service Contract Labor Standards (May 2014) ([41 U.S.C. chapter 67](#)).
- __ (3) [52.222-42](#), Statement of Equivalent Rates for Federal Hires (May 2014) ([29 U.S.C. 206](#) and [41 U.S.C. chapter 67](#)).
- __ (4) [52.222-43](#), Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (May 2014) ([29 U.S.C. 206](#) and [41 U.S.C. chapter 67](#)).
- __ (5) [52.222-44](#), Fair Labor Standards Act and Service Contract Labor Standards—Price Adjustment (May 2014) ([29 U.S.C. 206](#) and [41 U.S.C. chapter 67](#)).
- __ (6) [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](#)).
- __ (7) [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](#)).
- __ (8) [52.222-55](#), Minimum Wages Under Executive Order 13658 (Dec 2015).
- __ (9) [52.222-62](#), Paid Sick Leave Under Executive Order 13706 (JAN 2017) (E.O. 13706).
- __ (10) [52.226-6](#), Promoting Excess Food Donation to Nonprofit Organizations (May 2014) ([42 U.S.C. 1792](#)).
- __ (11) [52.237-11](#), Accepting and Dispensing of \$1 Coin (Sept 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 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— (Paragraph (e) applies only if award is made to a U.S. firm).

(i) [52.203-13](#), Contractor Code of Business Ethics and Conduct (Oct 2015) ([41 U.S.C. 3509](#)).

(ii) [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.

(iii) [52.222-17](#), Nondisplacement of Qualified Workers (May 2014) (E.O. 13495). Flow down required in accordance with paragraph (l) of FAR clause [52.222-17](#).

(iv) [52.222-21](#), Prohibition of Segregated Facilities (Apr 2015)

(v) [52.222-26](#), Equal Opportunity (Sept 2016) (E.O. 11246).

(vi) [52.222-35](#), Equal Opportunity for Veterans (Oct 2015) ([38 U.S.C. 4212](#)).

(vii) [52.222-36](#), Equal Opportunity for Workers with Disabilities (Jul 2014) ([29 U.S.C. 793](#)).

(viii) [52.222-37](#), Employment Reports on Veterans (Feb 2016) ([38 U.S.C. 4212](#))

(ix) [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](#).

(x) [52.222-41](#), Service Contract Labor Standards (May 2014) ([41 U.S.C. chapter 67](#)).

(xi) [52.222-50](#), Combating Trafficking in Persons (Mar 2015) ([22 U.S.C. chapter 78](#) and E.O. 13627). Alternate I (Mar 2015) of [52.222-50](#) ([22 U.S.C. chapter 78](#) and E.O. 13627).

(xii) [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](#)).

(xiii) [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](#)).

(xiv) [52.222-54](#), Employment Eligibility Verification (OCT 2015) (E.O. 12989).

(xv) [52.222-55](#), Minimum Wages Under Executive Order 13658 (Dec 2015).

(xvi) [52.222-59](#), Compliance with Labor Laws (Executive Order 13673) (OCT 2016) (Applies at \$50 million for solicitations and resultant contracts issued from October 25, 2016 through April 24, 2017; applies at \$500,000 for solicitations and resultant contracts issued after April 24, 2017).

Note to paragraph (e)(1)(xvi): By a court order issued on October 24, 2016, [52.222-59](#) is enjoined indefinitely as of the date of the order. The enjoined paragraph will become effective immediately if the court terminates the

injunction. At that time, GSA, DoD and NASA will publish a document in the Federal Register advising the public of the termination of the injunction.

(xvii) [52.222-60](#), Paycheck Transparency (Executive Order 13673) (OCT 2016)).

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

(xix) [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](#)).

(xx) [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](#).

(xxi) [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.

(End of clause)

DEPARTMENT OF STATE ACQUISITION REGULATION (48 CFR Chapter 6) CLAUSES

NUMBER	TITLE	DATE
652.225-71	Section 8(a) of the Export Administration Act of 1979, As Amended (if order exceeds simplified acquisition threshold)	AUG 1999
652.229-70	Excise Tax Exemption Statement for Contractors Within the United States (for supplies to be delivered to an overseas post)	JUL 1988
652.229-71	Personal Property Disposition at Posts Abroad	AUG 1999
652.237-72	Observance of Legal Holidays and Administrative Leave (for services where performance will be on-site in a Department of State facility)	APR 2004
652.239-71	Security Requirements for Unclassified Information Technology Resources (for orders that include information technology resources or services in which the contractor will have physical or electronic access to Department information that directly supports the mission of the Department)	SEP 2007
652.242-70	Contracting Officer's Representative (if a COR will be named for the order) Fill-in for paragraph b: "The COR is _____"	AUG 1999
652.242-71	Notice of Shipments	JUL 1988
652.242-73	Authorization and Performance	AUG 1999
652.243-70	Notices	AUG 1999
652.247-71	Shipping Instruction	FEB 2015

The following clause is provided in full text, and is applicable for orders for services that will require contractor employees to perform on-site at a DOS location and/or that require contractor employees to have access to DOS information systems:

652.204-70 Department of State Personal Identification Card Issuance Procedures (MAY 2011)

(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)