

PART II – CONTRACT CLAUSES

SECTION I

CONTRACT CLAUSES

I.1 FAR 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 these addresses:

<http://www.acquisition.gov/far>

<http://energy.gov/management/downloads/searchable-electronic-department-energy-acquisition-regulation>

I.2	FAR 52.202-1	Definitions (NOV 2013)	
I.3	FAR 52.203-3	Gratuities (APR 1984)	
I.4	FAR 52.203-5	Covenant Against Contingent Fees (MAY 2014)	
I.5	FAR 52.203-6	Restrictions on Subcontractor Sales to the Government (SEP 2006)	
I.6	FAR 52.203-7	Anti-Kickback Procedures (MAY 2014)	
I.7	FAR 52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (MAY 2014)	
I.8	FAR 52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (MAY 2014)	
I.9	FAR 52.203-12	Limitation on Payments to Influence Certain Federal Transactions (OCT 2010)	
I.10	FAR 52.203-13	Contractor Code of Business Ethics and Conduct (OCT 2015)	
I.11	FAR 52.203-14	Display of Hotline Poster(s) (OCT 2015)	(b)(3) DOE IG Hotline Poster: http://energy.gov/sites/prod/files/igprod/documents/Hotline_poster.pdf
I.12	FAR 52.203-17	Contractor Employee Whistleblower Rights and Requirement To Inform Employees of Whistleblower Rights. (APR 2014)	
I.13	FAR 52.204-4	Printed or Copied Double-Sided on Postconsumer Fiber Content Paper (MAY 2011)	
I.14	FAR 52.204-9	Personal Identity Verification of Contractor Personnel (JAN 2011)	
I.15	FAR 52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards (OCT 2015)	
I.16	FAR 52.204-13	System for Award Management Maintenance (JUL 2013)	
I.17	FAR 52.204-15	Service Contract Reporting Requirements for Indefinite Delivery Contracts (JAN 2014)	
I.18	FAR 52.204-18	Commercial and Government Entity Code Maintenance (JUL 2015)	
I.19	FAR 52.204-19	Incorporation by Reference of Representations and	

		Certifications (Dec 2014)	
I.20	FAR 52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment (OCT 2015)	
I.21	FAR 52.209-9	Updates of Publicly Available Information Regarding Responsibility Matters (JUL 2013)	
I.22	FAR 52.209-10	Prohibition on Contracting With Inverted Domestic Corporations (NOV 2015)	
I.23	FAR 52.210-1	Market Research (APR 2011)	
I.24	FAR 52.215-2	Audit and Records – Negotiation (OCT 2010)	
I.25	FAR 52.215-8	Order of Precedence - Uniform Contract Format (OCT 1997)	
I.26	FAR 52.215-11	Price Reduction for Defective Certified Cost or Pricing Data -- Modifications (Aug 2011)	
I.27	FAR 52.215-13	Subcontractor Certified Cost or Pricing Data – Modifications (OCT 2010)	
I.28	FAR 52.215-17	Waiver of Facilities Capital Cost of Money (OCT 1997) NOTE: This clause will not be included in the contract if awardee proposes Facilities Capital Cost of Money in its proposal.	
I.29	FAR 52.215-19	Notification of Ownership Changes (OCT 1997)	
I.30	FAR 52.215-21	Requirements for Certified Cost or Pricing Data and Data Other Than Certified Cost or Pricing Data - Modifications. (OCT 2010) - Alternate III (OCT 1997)	(c)CD-ROM, as requested by the Contracting Officer.
I.31	FAR 52.215-23	Limitations on Pass-Through Charges (OCT 2009)	
I.32	FAR 52.216-7	Allowable Cost and Payment (JUN 2013), as modified by DEAR 952.216-7 (<i>Applies to Cost-Reimbursement items only</i>)	(a)(3) 30 th
I.33	FAR 52.216-11	Cost Contract – No Fee (APR 1984) (<i>Applies to Cost-Reimbursement items only</i>)	
I.34	FAR 52.217-8	Option to Extend Services (NOV 1999)	any time prior to the expiration of the contract
I.35	FAR 52.219-6	Notice of Total Small Business Set-Aside (NOV 2011)	
I.36	FAR 52.219-8	Utilization of Small Business Concerns (OCT 2014)	
I.37	FAR 52.219-14	Limitations on Subcontracting (NOV 2011)	
I.38	FAR 52.219-28	Post-Award Small Business Program Rerepresentation (JUL 2013)	(g) Not Applicable
I.39	FAR 52.222-1	Notice to the Government of Labor Disputes (FEB 1997)	
I.40	FAR 52.222-3	Convict Labor (JUN 2003)	
I.41	FAR 52.222-17	Nondisplacement of Qualified Workers (MAY 2014)	
I.42	FAR 52.222-21	Prohibition of Segregated Facilities (APR 2015)	
I.43	FAR 52.222-26	Equal Opportunity (APR 2015)	
I.44	FAR 52.222-35	Equal Opportunity for Veterans (OCT 2015)	
I.45	FAR 52.222-36	Equal Opportunity for Workers With Disabilities (JUL 2014)	
I.46	FAR 52.222-37	Employment Reports on Veterans (FEB 2016)	
I.47	FAR 52.222-40	Notification of Employee Rights Under the National Labor Relations Act (DEC 2010)	
I.48	FAR 52.222-41	Service Contract Labor Standards (MAY 2014)	
I.49	FAR 52.222-43	Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (MAY 2014)	
I.50	FAR 52.222-50	Combating Trafficking in Persons (MAR 2015)	
I.51	FAR 52.222-54	Employment Eligibility Verification (OCT 2015)	

I.52	FAR 52.222-55	Minimum Wages Under Executive Order 13658 (DEC 2015)	
I.53	FAR 52.223-2	Affirmative Procurement of Biobased Products Under Service and Construction Contracts (Sep 2013)	
I.54	FAR 52.223-3	Hazardous Material Identification and Material Safety Data (JAN 1997) - Alternate I (JUL 1995)	(b) None
I.55	FAR 52.223-6	Drug-Free Workplace (MAY 2001)	
I.56	FAR 52.223-17	Affirmative Procurement of EPA-designated Items in Service and Construction Contracts (MAY 2008)	
I.57	FAR 52.223-18	Encouraging Contractor Policies to Ban Text Messaging While Driving (AUG 2011)	
I.58	FAR 52.225-1	Buy American – Supplies (MAY 2014)	
I.59	FAR 52.225-13	Restrictions on Certain Foreign Purchases (JUN 2008)	
I.60	FAR 52.226-1	Utilization of Indian Organizations and Indian-Owned Economic Enterprises (JUN 2000)	
I.61	FAR 52.227-1	Authorization and Consent (DEC 2007)	
I.62	FAR 52.227-2	Notice and Assistance Regarding Patent and Copyright Infringement (DEC 2007)	
I.63	FAR 52.227-3	Patent Indemnity (APR 1984)	
I.64	FAR 52.227-14	Rights in Data-General (MAY 2014)	
I.65	FAR 52.227-23	Rights to Proposal Data (Technical) (JUN 1987)	1-30; August 29, 2016
I.66	FAR 52.228-5	Insurance - Work on a Government Installation (JAN 1997)	
I.67	FAR 52.228-9	Cargo Insurance (MAY 1999)	
I.68	FAR 52.229-3	Federal, State, and Local Taxes (FEB 2013)	
I.69	FAR 52.229-10	State of New Mexico Gross Receipts and Compensating Tax (APR 2003)	
I.70	FAR 52.232-1	Payments (APR 1984)	
I.71	FAR 52.232-4	Payments under Transportation Contracts and Transportation-Related Services Contracts (APR 1984)	
I.72	FAR 52.232-8	Discounts for Prompt Payment (FEB 2002)	
I.73	FAR 52.232-9	Limitation on Withholding of Payments (APR 1984)	
I.74	FAR 52.232-11	Extras (APR 1984)	
I.75	FAR 52.232-17	Interest (MAY 2014)	
I.76	FAR 52.232-18	Availability of Funds (APR 1984)	
I.77	FAR 52.232-22	Limitation of Funds (APR 1984) (<i>Applies to Cost-Reimbursement items only</i>)	Substitute “Task order” for “Schedule”
I.78	FAR 52.232-23	Assignment of Claims (MAY 2014)	
I.79	FAR 52.232-25	Prompt payment (JUL 2013)	
I.80	FAR 52.232-25	Prompt payment (JUL 2013) Alt I (FEB 2002) (<i>Applies to Cost-Reimbursement items only</i>)	
I.81	FAR 52.232-33	Payment by Electronic Funds Transfer - System for Award Management (JUL 2013)	
I.82	FAR 52.232-39	Unenforceability of Unauthorized Obligations (JUN 2013)	
I.83	FAR 52.232-40	Providing Accelerated Payments to Small Business Subcontractors (DEC 2013)	
I.84	FAR 52.233-1	Disputes (MAY 2014) - Alternate I (DEC 1991)	
I.85	FAR 52.233-3	Protest after Award (AUG 1996)	
I.86	FAR 52.233-3	Protest after Award (AUG 1996) Alt I (JUN 1985) (<i>Applies to Cost-Reimbursement items only</i>)	
I.87	FAR 52.233-4	Applicable Law for Breach of Contract Claim (OCT 2004)	

I.88	FAR 52.237-2	Protection of Government Buildings, Equipment, and Vegetation (APR 1984)	
I.89	FAR 52.237-3	Continuity of Services (JAN 1991)	
I.90	FAR 52.242-1	Notice of Intent to Disallow Costs (APR 1984) (<i>Applies to Cost-Reimbursement items only</i>)	
I.91	FAR 52.242-4	Certification of Final Indirect Costs (JAN 1997) (<i>Applies to Cost-Reimbursement items only</i>)	
I.92	FAR 52.242-13	Bankruptcy (JUL 1995)	
I.93	FAR 52.243-1	Changes - Fixed-Price (AUG 1987) - Alternate IV (APR 1984)	
I.94	FAR 52.243-2	Changes-Cost Reimbursement (AUG 1987) Alternate I (APR 1984)	
I.95	FAR 52.244-2	Subcontracts (Oct 2010)	(d)Any subcontract to replace any of the subcontracts noted in Paragraph (j) of this clause as well as any subcontract equal to or greater than \$10,000,000 (j) any and all subcontractors evaluated prior to contract award (as listed in Section H.23, DOE-H-2058) and all subcontractors evaluated prior to the award of contract modifications and task orders issued against the contact.
I.96	FAR 52.244-2	Subcontracts (Oct 2010) Alternate I (JUN 2007) (<i>Applies to Cost-Reimbursement items only</i>)	Same as I.93
I.97	FAR 52.244-5	Competition in Subcontracting (DEC 1996) (<i>Applies to Cost-Reimbursement items only</i>)	
I.98	FAR 52.244-6	Subcontracts for Commercial Items (FEB 2016)	
I.99	FAR 52.245-1	Government Property (APR 2012) as modified by DEAR 952.245-5 (<i>Applies to Cost-Reimbursement items only</i>)	
I.100	FAR 52.245-1	Government Property (APR 2012) Alternate I (APR 2012) as modified by DEAR 952.245-5	
I.101	FAR 52.245-9	Use and Charges (APR 2012)	
I.102	FAR 52.246-25	Limitation of Liability – Services (FEB 1997)	
I.103	FAR 52.247-14	Contractor Responsibility for Receipt of Shipment (APR 1984)	
I.104	FAR 52.247-17	Charges (APR 1984)	
I.105	FAR 52.247-21	Contractor Liability for Personal Injury and/or Property Damage (APR 1984)	
I.106	FAR 52.247-22	Contractor Liability for Loss of and/or Damage to Freight other than Household Goods (APR 1984)	
I.107	FAR 52.247-27	Contract Not Affected by Oral Agreement (APR 1984)	
I.108	FAR 52.247-68	Report of Shipment (REPSHIP) (FEB 2006)	
I.109	FAR 52.248-1	Value Engineering (OCT 2010)	(m) DE-EM0004767
I.110	FAR 52.249-2	Termination for Convenience of the Government (Fixed-Price) (APR 2012)	
I.111	FAR 52.249-6	Termination (Cost Reimbursement) (MAY 2004)	

I.112	FAR 52.249-8	Default (Fixed-Price Supply and Service) (APR 1984) – Alternate I (APR 1984)	
I.113	FAR 52.249-14	Excusable Delays (APR 1984)	
I.114	FAR 52.251-1	Government Supply Sources (APR 2012)	
I.115	FAR 52.253-1	Computer Generated Forms (JAN 1991)	
I.116	DEAR 952.202-1	Definitions	
I.117	DEAR 952.203-70	Whistleblower Protection for Contractor Employees (DEC 2000)	
I.118	DEAR 952.204-75	Public Affairs (DEC 2000)	
I.119	DEAR 952.204-77	Computer Security (AUG 2006)	
I.120	DEAR 952.208-70	Printing (APR 1984)	
I.121	DEAR 952.215-70	Key Personnel (DEC 2000)	(a) See Section H Key Personnel
I.122	DEAR 952.219-70	DOE Mentor-Protégé Program (MAY 2000)	
I.123	DEAR 952.225-71	Compliance with Export Control Laws and Regulations (Export Clause) (NOV 2015)	
I.124	DEAR 952.226-74	Displaced Employee Hiring Preference (JUN 1997)	
I.125	DEAR 952.227-14	Rights in data-general (DOE coverage-alternates VI and VII)	
I.126	DEAR 952.227-82	Rights to proposal data (APR 1994)	1-30; August 29, 2016
I.127	DEAR 952.231-71	Insurance-litigation and Claims (AUG 2009)	
I.128	DEAR 952.242-70	Technical Direction (DEC 2000)	
I.129	DEAR 952.250-70	Nuclear Hazards Indemnity Agreement (JUN 1996)	
I.130	DEAR 952.251-70	Contractor Employee Travel Discounts (AUG 2009)	
I.131	DEAR 970.5204-2	Laws, Regulations, and DOE Directives (Dec 2000)	
I.132	DEAR 970.5223-1	Integration of Environment, Safety, and Health into Work Planning and Execution (DEC 2000)	

FULL TEXT CLAUSES

I.133 FAR 52.216-18 ORDERING (OCT 1995)

- (a) Any supplies and services to be furnished under this contract shall be ordered by issuance of delivery orders or task orders by the individuals or activities designated in the Schedule. Such orders may be issued [from effective date of contract award through the end of the total contract period].
- (b) All delivery orders or task orders are subject to the terms and conditions of this contract. In the event of conflict between a delivery order or task order and this contract, the contract shall control.
- (c) If mailed, a delivery order or task order is considered issued when the Government deposits the order in the mail. Orders may be issued orally, by facsimile, or by electronic commerce methods only if authorized in the Schedule.

I.134 FAR 52.216-19 ORDER LIMITATIONS (OCT 1995)

- (a) *Minimum order.* When the Government requires supplies or services covered by this contract in an amount of less than [\$0], the Government is not obligated to purchase, nor is the Contractor obligated to furnish, those supplies or services under the contract.
- (b) *Maximum order. The Contractor is not obligated to honor -*
 - (1) Any order for a single item in excess of [the maximum ceiling value specified in Section B.1(a)];
 - (2) Any order for a combination of items in excess of [the maximum ceiling value specified in Section B.1(a)]; or
 - (3) A series of orders from the same ordering office within [365 days] that together call for quantities exceeding the limitation in subparagraph (b)(1) or (2) of this section.
- (c) If this is a requirements contract (i.e., includes the Requirements clause at subsection 52.216-21 of the Federal Acquisition Regulation (FAR)), the Government is not required to order a part of any one requirement from the Contractor if that requirement exceeds the maximum-order limitations in paragraph (b) of this section.
- (d) Notwithstanding paragraphs (b) and (c) of this section, the Contractor shall honor any order exceeding the maximum order limitations in paragraph (b), unless that order (or orders) is returned to the ordering office within [5 days] after issuance, with written notice stating the Contractor's intent not to ship the item (or items) called for and the

reasons. Upon receiving this notice, the Government may acquire the supplies or services from another source.

I.135 FAR 52.216-22 INDEFINITE QUANTITY (OCT 1995)

- (a) This is an indefinite-quantity contract for the supplies or services specified, and effective for the period stated, in the Schedule. The quantities of supplies and services specified in the Schedule are estimates only and are not purchased by this contract.
- (b) Delivery or performance shall be made only as authorized by orders issued in accordance with the Ordering clause. The Contractor shall furnish to the Government, when and if ordered, the supplies or services specified in the Schedule up to and including the quantity designated in the Schedule as the “maximum.” The Government shall order at least the quantity of supplies or services designated in the Schedule as the “minimum.”
- (c) Except for any limitations on quantities in the Order Limitations clause or in the Schedule, there is no limit on the number of orders that may be issued. The Government may issue orders requiring delivery to multiple destinations or performance at multiple locations.
- (d) Any order issued during the effective period of this contract and not completed within that period shall be completed by the Contractor within the time specified in the order. The contract shall govern the Contractor’s and Government’s rights and obligations with respect to that order to the same extent as if the order were completed during the contract’s effective period; provided, that the Contractor shall not be required to make any deliveries under this contract after [one year beyond the expiration date of the contract period].

I.136 FAR 52.222-42 STATEMENT OF EQUIVALENT RATES FOR FEDERAL HIRES (MAY 2014)

In compliance with the Service Contract Labor Standards statute and the regulations of the Secretary of Labor (29 CFR part 4), this clause identifies the classes of service employees expected to be employed under the contract and states the wages and fringe benefits payable to each if they were employed by the contracting agency subject to the provisions of 5 U.S.C. 5341 or 5332.

*This Statement is for Information Only:
It is not a Wage Determination*

Employee Class	Monetary Wage
QA Technician	\$23.54
Administrative Assistant	\$19.25
Truck Drivers - Tractor/Trailer	\$19.79
Mechanics	\$22.99