

2. CONTRACT NO. \_\_\_\_\_ 3. AWARD/EFFECTIVE DATE \_\_\_\_\_ 4. ORDER NUMBER: AG-6395-P-11-0255  
 5. SOLICITATION NUMBER \_\_\_\_\_ 6. SOLICITATION ISSUE DATE \_\_\_\_\_

7. FOR SOLICITATION INFORMATION CALL: **LARRY NELSON**  
 a. NAME: LARRY NELSON b. TELEPHONE NUMBER (No collect calls): 612 336 3225  
 8. OFFER DUE DATE/LOCAL TIME \_\_\_\_\_

9. ISSUED BY: USDA APHIS MRPBS  
 ASD Procurement Branch  
 Butler Square, 5th Floor  
 100 N 6TH STREET  
 MINNEAPOLIS MN 55403  
 CODE: APHIS-MRPBS-A  
 10. THIS ACQUISITION IS  
 UNRESTRICTED OR  SET ASIDE: 100.00 % FOR:  
 SMALL BUSINESS  EMERGING SMALL BUSINESS  
 HUBZONE SMALL BUSINESS  SOLE SOURCE  
 SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS  8(A)  
 NAICS: \_\_\_\_\_ SIZE STANDARD: \_\_\_\_\_

11. DELIVERY FOR FOB DESTINATION UNLESS BLOCK IS MARKED  
 SEE SCHEDULE  
 12. DISCOUNT TERMS \_\_\_\_\_  
 13a. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)  
 13b. RATING \_\_\_\_\_  
 14. METHOD OF SOLICITATION  
 RFQ  IFB  RFP

15. DELIVER TO: APHIS-VS-WR-8613  
 USDA APHIS VS  
 Suite 1  
 208 N Montana Ave  
 Helena MT 59601  
 CODE: APHIS-VS-WR-8613  
 16. ADMINISTERED BY: USDA APHIS MRPBS  
 ASD Procurement Branch  
 Butler Square, 5th Floor  
 100 N 6TH STREET  
 MINNEAPOLIS MN 55403  
 CODE: APHIS-MRPBS-ASD

17a. CONTRACTOR/OFFEROR: THOMAS & SONS TRUCKING  
 3870 W ELM RD  
 540023752 A  
 VALE OR 979181290  
 CODE: 540023752 FACILITY CODE: \_\_\_\_\_  
 18a. PAYMENT WILL BE MADE BY: SEND INVOICE TO CONSIGNEE (BLOCK 6)  
 CODE: APHIS-INVOICE

17b. CHECK IF REMITTANCE IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER  
 18b. SUBMIT INVOICES TO ADDRESS SHOWN IN BLOCK 16a UNLESS BLOCK BELOW IS CHECKED  SEE ADDENDUM

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
	Tax ID Number: 54-0023752 DUNS Number: Not Available A. Bison Hauling Services in accordance with attached Quote on an as needed basis for the period of February 1, 2011 through July 31, 2011.  B. Order is funded at a not-to-exceed amount of \$15,000. Contractor will not get paid for any work which exceeds funding amount on order. Specific work direction (where/when hauling is needed) will be given by COR Rebecca Frey up to (Use Reverse and/or Attach Additional Sheets as Necessary)				

25. ACCOUNTING AND APPROPRIATION DATA: See schedule  
 26. TOTAL AWARD AMOUNT (For Govt. Use Only): \$15,000.00

27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-5 ARE ATTACHED. ADDENDA  ARE  ARE NOT ATTACHED.  
 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-5 IS ATTACHED. ADDENDA  ARE  ARE NOT ATTACHED.

28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPIES TO ISSUING OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED HEREIN.  
 29. AWARD OF CONTRACT REF. \_\_\_\_\_ OFFER DATED \_\_\_\_\_ YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDITIONS OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:

30a. SIGNATURE OF OFFEROR/CONTRACTOR: \_\_\_\_\_  
 31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER):   
 30b. NAME AND TITLE OF SIGNER (Type or print): \_\_\_\_\_  
 30c. DATE SIGNED: \_\_\_\_\_  
 31b. NAME OF CONTRACTING OFFICER (Type or print): LARRY D. NELSON  
 31c. DATE SIGNED: 2/1/2011

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
001	<p>the funded ceiling amount of this order.                      Delivery: 07/31/2011                      Accounting Info:                      34.11.ZZ.ZZZZZZ.ZZZZZZ.ZZ.ZZZZZZ.ZZ.529794335.25                      70.ZZ.ZZZZZZZZ.ZZZZ Agency Code (4): 34 Program                      Code (25): 529794335 BOC: 2570 Sub BOC (2): ZZ                      Cost Org (7): ZZZZZZZ Job Code (8): ZZZZZZZZ Sub                      Cost Org (2): ZZ Budget Yr Start (2): 11 Budget                      Yr End (2): ZZ Fund (6): ZZZZZZ Budget Org (7):                      ZZZZZZZ Sub Budget Org (2): ZZ Report Category                      (4): ZZZZ                      Period of Performance: 02/01/2011 to 07/31/2011</p> <p>Bison Hauling services funded at the                      not-to-exceed amount of \$15,000.                      Product/Service Code: V119                      Product/Service Description: OTHER CARGO AND                      FREIGHT SERVICES</p> <p>The total amount of award: \$15,000.00. The                      obligation for this award is shown in box 26.</p>				15,000.00

32a. QUANTITY IN COLUMN 21 HAS BEEN  
 RECEIVED     INSPECTED     NOTED: \_\_\_\_\_  
 ACCEPTED, AND CONFORMS TO THE CONTRACT, EXCEPT AS

32b. SIGNATURE OF AUTHORIZED GOVERNMENT REPRESENTATIVE		32c. DATE	32d. PRINTED NAME AND TITLE OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
32e. MAILING ADDRESS OF AUTHORIZED GOVERNMENT REPRESENTATIVE			32f. TELEPHONE NUMBER OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
			32g. E-MAIL OF AUTHORIZED GOVERNMENT REPRESENTATIVE	
33. SHIP NUMBER <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	34. VOUCHER NUMBER	35. AMOUNT VERIFIED CORRECT FOR	36. PAYMENT <input type="checkbox"/> COMPLETE <input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	37. CHECK NUMBER
38. S/R ACCOUNT NUMBER	39. S/R VOUCHER NUMBER	40. PAID BY		
41a. I CERTIFY THIS ACCOUNT IS CORRECT AND PROPER FOR PAYMENT			42a. RECEIVED BY ( <i>Print</i> )	
41b. SIGNATURE AND TITLE OF CERTIFYING OFFICER		41c. DATE		42b. RECEIVED AT ( <i>Location</i> )
				42c. DATE REC'D (YY/MM/DD)

**SOLICITATION/CONTRACT/ORDER FOR COMMERCIAL ITEMS**  
**OFFEROR TO COMPLETE BLOCKS 12, 17, 23, 24 & 30**

1. REGISTRATION NUMBER  
 PAGE 1 OF 17

2. CONTRACT NUMBER  
 3. AWARD EFFECTIVE DATE  
 4. ORDER NUMBER  
 5. SOLICITATION NUMBER  
 6. SOLICITATION ISSUE DATE

7. FOR SOLICITATION INFORMATION CONTACT:  
 8. NAME  
 Larry Nelson, Contracting Officer  
 Larry.d.nelson@aphis.usda.gov  
 9. TELEPHONE NUMBER (no collect calls)  
 (612) 336-3225  
 10. OFFER DUE DATE/ LOCAL TIME  
 COB 02/04/2011

11. ISSUED BY  
 CODE: 6035  
 USDA, APHIS, MRPBS, ASD, Contracting Team  
 Butler Square, 5th Floor  
 100 North Sixth Street  
 Minneapolis, MN 55403  
 12. THIS ACQUISITION IS  
 UNRESTRICTED OR  
 SET-ASIDE 100% FOR:  
 SMALL BUSINESS  EMERGING SMALL BUSINESS  
 HUBZONE SMALL BUSINESS  8(A)  
 SERVICE-DISABLED VETERAN-OWNED SMALL BUSINESS  
 MAKE: 484320  
 SIZE: \$25.5 million  
 STANDARD:

11. DELIVERY FOR FOD DESTINATION UNLESS BLOCK IS MARKED  
 See Schedule  
 12. DISCOUNT TERMS  
 13. THIS CONTRACT IS A RATED ORDER UNDER DFWS (15 CFR 700)  
 13a. RATING  
 14. METHOD OF SOLICITATION  
 RFQ  IFB  RFP

15. DELIVER TO  
 See Schedule  
 16. REGISTERED BY  
 CODE:  
 See Block 9

17a. CONTRACTOR/OFFEROR  
 CODE: 540-02-3752 FACILITY:  
 Jade Thomas  
 3870 W Elm Rd  
 VAE, OR 97918  
 TELEPHONE NO. 541-473-9134  
 17b. PAYMENT WILL BE MADE BY  
 CODE:  
 USDA, Office of Finance and Management  
 National Finance Center  
 PO Box 60075  
 New Orleans, LA 70160

17c. CHECK IF RESIDENCE ADDRESS IS DIFFERENT AND PUT SUCH ADDRESS IN OFFER.  
 17d. SUBMIT OFFER TO ADDRESS SHOWN IN BLOCK 17a UNLESS BLOCK BELOW IS CHECKED  
 SEE ADDENDUM

19. ITEM NO.	20. SCHEDULE OF SUPPLIES/SERVICES	21. QUANTITY	22. UNIT	23. UNIT PRICE	24. AMOUNT
01	All labor, material and equipment necessary for bison cows, calves and young bulls (2 years of age and younger) transportation to slaughter facilities (Priced per loaded mile)	2,000 Estimated	Mile	4.55	
02	All labor, material and equipment necessary for mature bison bull (greater than 2 years of age) transportation to slaughter facilities (Priced per loaded mile). NOTE: Failure to quote for this CLIN does not exclude offeror from contract consideration but will exclude use as a bison bull transporter.	2,000 Estimated	Mile	4.55	
03	All labor, material and equipment costs necessary for cleaning and disinfection of trailer. (Firm fixed price per disinfection).	10 Estimated	EA	180 <sup>00</sup>	

(Use Revised order Book Additional Sheets as Necessary)

25. ACCOUNTING AND APPROPRIATE DATA  
 26. TOTAL AWARD AMOUNT (For Gov. Use Only)

27a. SOLICITATION INCORPORATES BY REFERENCE FAR 52.212-1, 52.212-4. FAR 52.212-3 AND 52.212-6 ARE ATTACHED. ADDENDA  ARE  ARE NOT ATTACHED.  
 27b. CONTRACT/PURCHASE ORDER INCORPORATES BY REFERENCE FAR 52.212-4. FAR 52.212-6 IS ATTACHED. ADDENDA  ARE  ARE NOT ATTACHED.

28. CONTRACTOR IS REQUIRED TO SIGN THIS DOCUMENT AND RETURN COPY TO DESIGNS OFFICE. CONTRACTOR AGREES TO FURNISH AND DELIVER ALL ITEMS SET FORTH OR OTHERWISE IDENTIFIED ABOVE AND ON ANY ADDITIONAL SHEETS SUBJECT TO THE TERMS AND CONDITIONS SPECIFIED.  
 29. AWARD OF CONTRACT, REF. OFFER DATED. YOUR OFFER ON SOLICITATION (BLOCK 5), INCLUDING ANY ADDENDA OR CHANGES WHICH ARE SET FORTH HEREIN, IS ACCEPTED AS TO ITEMS:

30a. SIGNATURE OF OFFEROR/CONTRACTOR  
 31a. UNITED STATES OF AMERICA (SIGNATURE OF CONTRACTING OFFICER)

30b. NAME AND TITLE OF SIGNER (Type or Print)  
 Jade Thomas  
 30c. DATE SIGNED  
 1-29-11  
 31b. NAME OF CONTRACTING OFFICER (Type or Print)  
 Larry D. Nelson  
 31c. DATE SIGNED

## SF1449 CONTINUATION:

### Statement of Work:

Truck/livestock trailer combinations to haul wild bison from Gardiner, MT to slaughterhouses in Montana and Idaho.

Trailer should be of a design that is durable enough to haul wild bison safely and humanely for a minimum distance of 80 miles. Livestock trailer minimum length should be 20 ft. Trailers should be able to be cleaned and disinfected when these procedures are indicated. The rear gate of the trailers must have a sliding half gate (vertical or horizontal) to permit loading at the facility

Contract haulers must be available to haul with minimal notice (< 12 hours notice) and must be able to start as early as 6 am MST, five days per week. Contractors will be making one trip per day under winter driving conditions. Load size haul could vary from as few as 2 to as many as 60 bison per load.

Three types of bids needed:

\$ amount/ per loaded mile to haul mature bull bison to slaughter

\$ amount/ per loaded mile to haul all other types of bison to slaughter.

\$ amount to clean out interior of trailer.

### Offeror Notes:

**A. This Request for Quote will result in a firm-fixed price per mile and firm-fixed price per trailer sanitation purchase order(s) for transportation of bison to slaughter facilities in Yellowstone Park vicinity (Idaho, Montana, Wyoming and South Dakota).**

**B. The amounts listed in CLINS 01, 02 and 03 are only estimated amounts and contractor(s) will only be reimbursed for actual loaded miles and trailer disinfections used. Contractors should not rely on the estimated amounts as these are only our best guess at this time. Any orders issued will be funded at an estimated NTE (not-to-exceed) amount after which verbal orders will be issued within order NTE amounts per the direction of the Contracting Officer Representative (COR) Rebecca Frey. Contractor is not authorized to exceed the NTE amount without prior written approval from authorized Contracting Officer.**

**C. Cleaning and disinfection must be accomplished with high pressure sprayer and bleach (1% solution: 1 part household bleach to 4 parts water---left on surface for 10 minutes before rinsing) per COR instructions. Cleaning must be accomplished, at a minimum, at the commencement of each bison hauling session. Cleaning and disinfecting must be accomplished, at a minimum, at the conclusion of each bison hauling session.**

**D. One or more purchase orders may be issued as a result of this RFQ (Request for Quote) at not-to-exceed amounts. Issuance of actual verbal work orders within the not-to-exceed amounts will be dependent on contractor's availability, proximity to necessary routes, total price, performance and delivery times.**

**E. Period of Performance: February 1, 2011 until need for bison hauling ceases which will be no later than July 31, 2011.**

**F. All personnel providing service under this contract are unofficial representatives of the United States Government and shall maintain a professional demeanor at all times. Inappropriate behavior may constitute grounds for contract termination.**

**G. The Government shall arrange for all necessary security services in support of this contract.**

**H. Invoicing: Submit invoices to the following address:**

Clint Cates  
Western Regional Office, Veterinary Services  
2150 Centre Avenue, Building B, Mailstop 3E13; Fort Collins, CO 80526-8117  
Phone: (970) 494-7358  
e-mail: clint.e.cates@aphis.usda.gov

### **III. CONTRACT CLAUSES**

The following contract clauses are applicable to any awarded purchase orders: (The full text of the clauses can be found at <http://farsite.hill.af.mil/vffar1.htm>)

**52.212-4 -- Contract Terms and Conditions -- Commercial Items. (Jun 2010)**

**52.212-5 -- Contract Terms and Conditions Required to Implement Statutes or Executive Orders -- Commercial Items (Jan 2011)**

(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.]*

\_\_\_ (1) 52.203-6, Restrictions on Subcontractor Sales to the Government (Sept 2006), with Alternate I (Oct 1995) (41 U.S.C. 253g and 10 U.S.C. 2402).

\_\_\_ (2) 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)).

\_\_\_ (3) 52.203-15, 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).

\_\_\_ (4) 52.204-10, Reporting Executive compensation and First-Tier Subcontract Awards (Jul 2010) (Pub. L. 109-282) (31 U.S.C. 6101 note).

\_\_\_ (5) 52.204-11, American Recovery and Reinvestment Act—Reporting Requirements (Jul 2010) (Pub. L. 111-5).

\_\_\_ (6) 52.209-6, Protecting the Government' Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Dec 2010) (31 U.S.C. 6101 note). (Applies to contracts over \$30,000). (Not applicable to subcontracts for the acquisition of commercially available off-the-shelf items).

\_\_\_ (7) 52.219-3, Notice of Total HUBZone Set-Aside or Sole-Source Award (Jan 2011) (15 U.S.C. 657a).

\_\_\_ (8) 52.219-4, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Jan 2011) (if the offeror elects to waive the preference, it shall so indicate in its offer)(15 U.S.C. 657a).

\_\_\_ (9) [Reserved]

X (10) (i) 52.219-6, Notice of Total Small Business Aside (June 2003) (15 U.S.C. 644).

\_\_\_ (ii) Alternate I (Oct 1995) of 52.219-6.

\_\_\_ (iii) Alternate II (Mar 2004) of 52.219-6.

\_\_\_ (11) (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.

\_\_\_ (12) 52.219-8, Utilization of Small Business Concerns (Jan 2011) (15 U.S.C. 637(d)(2) and (3)).

\_\_\_ (13) (i) 52.219-9, Small Business Subcontracting Plan (Jan 2011) (15 U.S.C. 637 (d)(4).)

\_\_\_ (ii) Alternate I (Oct 2001) of 52.219-9.

\_\_\_ (iii) Alternate II (Oct 2001) of 52.219-9.

\_\_\_ (iv) Alternate III (July 2010) of 52.219-9.

\_\_\_ (14) 52.219-14, Limitations on Subcontracting (Dec 1996) (15 U.S.C. 637(a)(14)).

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

\_\_\_ (16) (i) 52.219-23, 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).

\_\_\_ (ii) Alternate I (June 2003) of 52.219-23.

\_\_\_ (17) 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).

\_\_\_ (18) 52.219-26, Small Disadvantaged Business Participation Program—Incentive Subcontracting (Oct 2000) (Pub. L. 103-355, section 7102, and 10 U.S.C. 2323).

- (19) 52.219-27, Notice of Total Service-Disabled Veteran-Owned Small Business Set-Aside (May 2004) (15 U.S.C. 657 f).
- (20) 52.219-28, Post Award Small Business Program Rerepresentation (Apr 2009) (15 U.S.C. 632(a)(2)).
- (21) 52.222-3, Convict Labor (June 2003) (E.O. 11755).
- (22) 52.222-19, Child Labor—Cooperation with Authorities and Remedies (Jul 2010) (E.O. 13126).
- (23) 52.222-21, Prohibition of Segregated Facilities (Feb 1999).
- (24) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).
- (25) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).
- (26) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).
- (27) 52.222-37, Employment Reports on Veterans (Sep 2010) (38 U.S.C. 4212).
- (28) 52.222-40, Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496).
- (29) 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.)
- (30) (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.)
- (31) 52.223-15, Energy Efficiency in Energy-Consuming Products (Dec 2007) (42 U.S.C. 8259b).
- (32) (i) 52.223-16, IEEE 1680 Standard for the Environmental Assessment of Personal Computer Products (Dec 2007) (E.O. 13423).
- (ii) Alternate I (Dec 2007) of 52.223-16.
- (33) 52.223-18, Contractor Policy to Ban Text Messaging while Driving (Sep 2010) (E.O. 13513).
- (34) 52.225-1, Buy American Act--Supplies (Feb 2009) (41 U.S.C. 10a-10d).
- (35) (i) 52.225-3, Buy American Act –Free Trade Agreements – 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, 108-301, 109-53, 109-169, 109-283, and 110-138).
- (ii) Alternate I (Jan 2004) of 52.225-3.
- (iii) Alternate II (Jan 2004) of 52.225-3.
- (36) 52.225-5, Trade Agreements (Aug 2009) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).

\_\_\_ (37) 52.225-13, Restrictions on Certain Foreign Purchases (Jun 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).

\_\_\_ (38) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150).

\_\_\_ (39) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150).

\_\_\_ (40) 52.232-29, Terms for Financing of Purchases of Commercial Items (Feb 2002) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

\_\_\_ (41) 52.232.30, Installment Payments for Commercial Items (Oct 1995) (41 U.S.C. 255(f), 10 U.S.C. 2307(f)).

X (42) 52.232-33, Payment by Electronic Funds Transfer—Central Contractor Registration (Oct. 2003) (31 U.S.C. 3332).

\_\_\_ (43) 52.232-34, Payment by Electronic Funds Transfer—Other Than Central Contractor Registration (May 1999) (31 U.S.C. 3332).

\_\_\_ (44) 52.232-36, Payment by Third Party (Feb 2010) (31 U.S.C. 3332).

\_\_\_ (45) 52.239-1, Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a).

\_\_\_ (46) (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:

[Contracting Officer check as appropriate.]

X (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 this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause—

(i) 52.203-13, Contractor Code of Business Ethics and Conduct (Apr 2010) (Pub. L. 110-252, Title VI, Chapter I (41 U.S.C. 251 note)).

(ii) 52.219-8, Utilization of Small Business Concerns (Dec 2010) (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 \$650,000 (\$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) [Reserved]

(iv) 52.222-26, Equal Opportunity (Mar 2007) (E.O. 11246).

(v) 52.222-35, Equal Opportunity for Veterans (Sep 2010) (38 U.S.C. 4212).

(vi) 52.222-36, Affirmative Action for Workers with Disabilities (Oct 2010) (29 U.S.C. 793).

(vii) 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.

(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 paragraph (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.