Solicitation Provisions and Clauses

The clauses will be included in the award (details can be located on http://www.acquisition.gov).

* Clause is incorporated into 52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Products and Commercial Services

PROVISIONS

52.212-1 -- Instructions to Offerors -- Commercial Products and Commercial Services

(a) *North American Industry Classification System (NAICS) code and small business size standard.* The NAICS code(s) and small business size standard(s) for this acquisition appear elsewhere in the solicitation. However, the small business size standard for a concern that submits an offer, other than on a construction or service acquisition, but proposes to furnish an end item that it did not itself manufacture, process, or produce is 500 employees, or 150 employees for information technology value-added resellers under NAICS code 541519, if the acquisition—

(1) Is set aside for small business and has a value above the simplified acquisition threshold;
(2) Uses the HUBZone price evaluation preference regardless of dollar value, unless the offeror waives the price evaluation preference; or
(3) Is an 8(a), HUBZone, service-disabled veteran-owned, economically disadvantaged women-owned, or women-owned small business set-aside or sole-source award regardless of dollar value.

(b) *Submission of offers*. Submit signed and dated offers to the office specified in this solicitation at or before the exact time specified in this solicitation. Offers may be submitted on the SF 1449 if a sole source RFQ that hasn't been synopsized (FAR 12.603), letterhead stationery, or as otherwise specified in the solicitation. As a minimum, offers must show—

(1) The solicitation number;
(2) The time specified in the solicitation for receipt of offers;
(3) The name, address, and telephone number of the offeror;
(4) A technical description of the items being offered in sufficient detail to evaluate compliance with the requirements in the solicitation. This may include product literature, or other documents, if necessary;
(5) Terms of any express warranty;
(6) Price and any discount terms;
(7) "Remit to" address, if different than mailing address;
(8) A completed copy of the representations and certifications at Federal Acquisition Regulation (FAR) 52.212-3 – submit with SBA and sam.gov entity registration
(9) Acknowledgment of Solicitation Amendments; sign SF30 and submit with quote
(10) Past performance information, when included as an evaluation factor, to include recent and relevant contracts for the same or similar items and other references (including contract numbers, points of contact with telephone numbers and other relevant information); and
(11) If the offer is not submitted on the SF1449, include a statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation. Offers that fail to furnish required representations or information, or reject the terms and conditions of the solicitation may be excluded from consideration.

(c) *Period for acceptance of offers*. The offeror agrees to hold the prices in its offer firm for 30 calendar days from the date specified for receipt of offers, unless another time period is specified in an addendum to the solicitation.

(d) *Product samples*. **When required by the solicitation**, product samples shall be submitted at or prior to the time specified for receipt of offers. Unless otherwise specified in this solicitation, these samples shall be submitted at no expense to the Government, and returned at the sender's request and expense, unless they are destroyed during pre-award testing.

(e) *Multiple offers*. Offerors are encouraged to submit multiple offers presenting alternative terms and conditions, including alternative line items (provided that the alternative line items are consistent with FAR subpart 4.10), or alternative commercial products or commercial services for satisfying the requirements of this solicitation. Each offer submitted will be evaluated separately.

(f) *Late submissions, modifications, revisions, and withdrawals of offers.*

(1) Offerors are responsible for submitting offers, and any modifications, revisions, or withdrawals, so as to reach the Government office designated in the solicitation by the time specified in the solicitation. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office on the date that offers or revisions are due.

(2) (i) Any offer, modification, revision, or withdrawal of an offer received at the Government office designated in the solicitation after the exact time specified for receipt of offers is "late" and will not be considered unless it is received before award is made, the Contracting Officer determines that accepting the late offer would not unduly delay the acquisition; and-

(A) If it was transmitted through an electronic commerce method authorized by the solicitation, it was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of offers; or

(B) There is acceptable evidence to establish that it was received at the Government installation designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers; or

(C) If this solicitation is a request for proposals, it was the only proposal received.

(ii) However, a late modification of an otherwise successful offer, that makes its terms more favorable to the Government, will be considered at any time it is received and may be accepted.

(3) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the offer wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(4) If an emergency or unanticipated event interrupts normal Government processes so that offers cannot be received at the Government office designated for receipt of offers by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of offers will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume.

(5) Offers may be withdrawn by written notice received at any time before the exact time set for receipt of offers. Oral offers in response to oral solicitations may be withdrawn orally. If he solicitation authorizes facsimile offers, offers may be withdrawn via facsimile received at any time before the exact time set for receipt of offers, subject to the conditions specified in the solicitation concerning facsimile offers.

An offer may be withdrawn in person by an offeror or its authorized representative if, before the exact time set for receipt of offers, the identity of the person requesting withdrawal is established and the person signs a receipt for the offer.

(g) *Contract award (not applicable to Invitation for Bids*). The Government intends to evaluate offers and award a contract without discussions with offerors. Therefore, the offeror's initial offer should contain the offeror's best terms from a price and technical standpoint. However, the Government reserves the right to conduct discussions if later determined by the Contracting Officer to be necessary. The Government may reject

any or all offers if such action is in the public interest; accept other than the lowest offer; and waive informalities and minor irregularities in offers received.

(h) *Multiple awards*. The Government may accept any item or group of items of an offer, unless the offeror qualifies the offer by specific limitations. Unless otherwise provided in the Schedule, offers may not be submitted for quantities less than those specified. The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit prices offered, unless the offeror specifies otherwise in the offer.

(i) Availability of requirements documents cited in the solicitation.

(1) (i) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101–29, and copies of Federal specifications, standards, and product descriptions can be downloaded from the ASSIST website at https://assist.dla.mil.

(ii) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained from the address in paragraph (i)(1)(i) of this provision.

(2) Most unclassified Defense specifications and standards may be downloaded from the ASSIST website at https://assist.dla.mil.

(3) Defense documents not available from the ASSIST website may be requested from the Defense Standardization Program Office by—

(i) Using the ASSIST feedback module (https://assist.dla.mil/feedback); or

(ii) Contacting the Defense Standardization Program Office by telephone at 571–767–6688 or email at assisthelp@dla.mil.

(4) Nongovernment (voluntary) standards must be obtained from the organization responsible for their preparation, publication, or maintenance.

(j) *Unique entity identifier.* (Applies to all offers that exceed the micro-purchase threshold, and offers at or below the micro-purchase threshold if the solicitation requires the Contractor to be registered in the System for Award Management (SAM).) The Offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "Unique Entity Identifier" followed by the unique entity identifier that identifies the Offeror's name and address. The Offeror also shall enter its Electronic Funds Transfer (EFT) indicator, if applicable. The EFT indicator is a four-character suffix to the unique entity identifier. The suffix is assigned at the discretion of the Offeror to establish additional SAM records for identifying alternative EFT accounts (see FAR subpart 32.11) for the same entity. If the Offeror does not have a unique entity identifier, it should contact the entity designated at www.sam.gov for unique entity identifier establishment directly to obtain one. The Offeror should indicate that it is an offeror for a Government contract when contacting the entity designated at www.sam.gov for establishing the unique entity identifier.

(k) [Reserved]

(l) *Debriefing*. If a post-award debriefing is given to requesting offerors, the Government shall disclose the following information, if applicable:

(1) The agency's evaluation of the significant weak or deficient factors in the debriefed offeror's offer.

(2) The overall evaluated cost or price and technical rating of the successful and the debriefed offeror and past performance information on the debriefed offeror.

(3) The overall ranking of all offerors, when any ranking was developed by the agency during source selection.

(4) A summary of the rationale for award;

(5) For acquisitions of commercial products, the make and model of the product to be delivered by the successful offeror.

(6) Reasonable responses to relevant questions posed by the debriefed offeror as to whether source-selection procedures set forth in the solicitation, applicable regulations, and other applicable authorities were followed by the agency.

(End of provision)

52.212-2 – Evaluation – Commercial Items.

(a) The Government will award a contract resulting from this solicitation to the responsible offeror whose offer conforming to the solicitation will be most advantageous to the Government, price and other factors considered. The following factors shall be used to evaluate offers:

(i) technical capability to meet the Government requirement; this will be rated as acceptable or unacceptable based on the quote that meets or exceeds the technical specifications;
(ii) price; the Government may award to other than the lowest price quote; the perceived benefits of the higher priced quote shall merit the additional cost;
(iii) past performance (see FAR 15.304); the contractor shall not have negative or adverse information on FAPIIS or SPRS in the last three years; negative or adverse action may render the quote unacceptable.

Technical and past performance, when combined, are equally important as lowest price.

(b) *Options.* The Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. The Government may determine that an offer is unacceptable if the option prices are significantly unbalanced. Evaluation of options shall not obligate the Government to exercise the option(s).

(c) A written notice of award or acceptance of an offer, mailed or otherwise furnished to the successful offeror within the time for acceptance specified in the offer, shall result in a binding contract without further action by either party. Before the offer's specified expiration time, the Government may accept an offer (or part of an offer), whether or not there are negotiations after its receipt, unless a written notice of withdrawal is received before award.

(End of Provision)

52.217-5 Evaluation of Options
Include if soliciting for a service and there will be a base period + option periods

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).

(End of provision)

52.212-3 Offeror Representations and Certifications - Commercial Products and Commercial Services
Provide self-assessment with SBA and sam.gov entity registration.

52.219-1 Small Business Program Representations (DEVIATION 2023-OYYYY)
exceeding the micro-purchase threshold

52.219-8 Utilization of Small Business Concerns (DEVIATION 2023-OYYYY)

expected to exceed the simplified acquisition threshold

252.203-7005 Representation Relating to Compensation of Former DoD Officials

252.239-7098 Prohibition on Contracting to Maintain or Establish a Computer Network Unless Such Network is Designed to Block Access to Certain Websites—Representation.

CLAUSES

include on solicitation and award

SERVICE ACQUISITIONS

52.211-11 Liquidated Damages-Supplies, Services, or Research and Development (fill in)
52.217-8 Option to Extend Services (up to 6 months max) (fill-in)
52.217-9 Option to Extend the Term of the Contract (option periods) (fill-in)
52.222-41 Service Contract Labor Standards*
52.222-42 Statement of Equivalent Rates for Federal Hires
52.222-55 Minimum Wages Under Executive Order 13658*
52.222-62 Paid Sick Leave Under Executive Order 13706*
52.246-4 Inspection of Services-Fixed Price
52.249-4 Termination for Convenience of the Government (Services) (Short Form)
252.201-7000 Contracting Officer's Representative

Over Micro Purchase Threshold

52.203-19 Prohibition on Contracting with Entities That Require Certain Internal Confidentiality Agreements or Statements*
52.204-7 System for Award Management
52.204-18 Commercial and Government Entity Code Maintenance
52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment
52.204-26 Covered Telecommunications Equipment or Services Representation
52.209-10 Prohibition on Contracting with Inverted Domestic Corporations
52.212-4 Contract Terms and Conditions – Commercial Items
52.212-5 Contract Terms and Conditions Required to Implement Statutes or Executive Orders—Commercial Items (fill in)
52.212-3 Offeror Representations and Certifications -- Commercial Items (P) class deviation 2023-O0001
52.219-6 Notice of Total Small Business Set-Aside*
52.219-28 Post-Award Small Business Program Representation*
52.222-3 Convict Labor*
52.222-21 Prohibition of Segregated Facilities*
52.222-26 Equal Opportunity*
52.222-50 Combating Trafficking in Persons*
52.223-18 Encouraging Contractor Policy to Ban Text Messaging While Driving*
52.225-13 Restrictions on Certain Foreign Purchases*
52.232-33 Payment by Electronic Funds Transfer System for Award Management*
52.232-39 Limitation on Withholding of Payments
52.232-40 Providing Accelerated Payments to Small Business Subcontractors
52.233-3 Protest After Award*
52.233-4 Applicable Law for Breach of Contract Claim*
52.252-2 Clauses Incorporated by Reference (fill-in)
52.252-6 Authorized Deviations in Clauses (fill-in)

DFARS:

252.203-7000 Requirements Relating to Compensation of Former DoD Officials
252.203-7002 Requirements to Inform Employees of Whistleblower Rights
252.204-7003 Control of Government Personnel Work Product
252.204-7008 Compliance with Safeguarding Covered Defense Information Controls
252.204-7012 Safeguarding Covered Defense Information and Cyber Incident Reporting
252.204-7015 Notice of Authorized Disclosure of Information by Litigation Support Contractors
252.204-7016 Covered Defense Telecommunications Equipment or Services--Representation
252.204-7017 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment Services-Representation
252.204-7018 Prohibition on the Acquisition of Covered Defense Telecommunications Equipment Services
252.204-7019 Notice of NISTSP 900-171 DoD Assessment Requirements
252.204-7020 NIST SP 800-171DoD Assessment Requirements
252.204-7022 Expediting Contract Closeout
252.222-7999 Combating Race and Sex Stereotyping (Deviation 2021-O0001) (FT)
252.225-7048 Export-Controlled Items
252.225-7055 Representation Regarding Business Operations with the Maduro Regime
252.225-7056 Prohibition Regarding Business Operations with the Maduro Regime
252.232-7003 Electronic Submission of Payment Requests and Receiving Reports
252.232-7006 Wide Area Workflow Payment Instructions (fill in)
252.232-7010 Levies on Contract Payments
252.232-7017 Accelerating Payments to Small Business Subcontractors—Prohibition on Fees and Consideration
252.239-7001 Information Assurance Contractor Training and Certification
252.239-7098 Prohibition on Contracting to Maintain or Establish a Computer Network Unless Such Network is Designed to Block Access to Certain Websites—Representation (Deviation 2021-O0003)(April 2021)
252.247-7023 Transportation of Supplies by Sea

Over $15,000

52.222-36 Equal Opportunity for Workers with Disabilities*

Over $25,000

52.204-10 Reporting Executive Compensation and First-Tier Subcontract Awards*

Over $35,000

52.209-6 Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended or Proposed for Debarment*