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|---|--|--|--|---|-------------|
| REQUEST FOR QUOTATION (THIS IS NOT AN ORDER) | | THIS RFQ <input type="checkbox"/> IS <input checked="" type="checkbox"/> IS NOT A SMALL BUSINESS SET-ASIDE | | PAGE OF | PAGES |
| 1. REQUEST NO. 19RP3820Q0057 | | 2. DATE ISSUED 04/02/2020 | | 1 13 | |
| 3. REQUISITION/PURCHASE REQUEST NO. PR9081735 | | | 4. CERT. FOR NAT. DEF. UNDER BDSA REG. 2 AND/OR DMS REG. 1 | | |
| 5a. ISSUED BY GSO/Contracting & Procurement, U.S. Embassy Manila | | | 6. DELIVER BY (Date) | | |
| 5b. FOR INFORMATION CALL (NO COLLECT CALLS) | | | 7. DELIVERY | | |
| NAME | | TELEPHONE NUMBER | | <input checked="" type="checkbox"/> FOB DESTINATION <input type="checkbox"/> OTHER (See Schedule) | |
| Mary Joyce W. Jacinto | | AREA CODE 632 | NUMBER 301-2000 x 2713 | 9. DESTINATION | |
| 8. TO: | | | | | |
| a. NAME | | b. COMPANY | | b. STREET ADDRESS | |
| c. STREET ADDRESS | | | | | |
| c. CITY | | | | | |
| d. CITY | | e. STATE | f. ZIP CODE | d. STATE | e. ZIP CODE |
| 10. PLEASE FURNISH QUOTATIONS TO THE ISSUING OFFICE IN BLOCK 5a ON OR BEFORE CLOSE OF BUSINESS (Date) | | 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 service. Supplies are of domestic origin unless otherwise indicated by quoter. Any representations and/or certifications attached to this Request for Quotation must be completed by the quoter. | | | |
| 04/16/2020 @ 2:00 PM | | | | | |

11. SCHEDULE (Include applicable Federal, State and local taxes)

| ITEM NO. (a) | SUPPLIES/ SERVICES (b) | QUANTITY (c) | UNIT (d) | UNIT PRICE (e) | AMOUNT (f) |
|-----------------|---|-----------------|-------------|-------------------|---------------|
| | <p>Banquet Services in connection with the U.S. Independence Day Celebration on 01 July 2020</p> <p>*Please refer to the attached file for the details of the requirement.</p> <p>The attached FAR/DOSAR Clauses form will be part of the resultant order.</p> <p>Note: All actions which are over \$30K, prospective vendor must be registered within the Central Contractor Registration (CCR) which is now under System of Award Management (SAM).</p> | 1 | LT | | |

| | | | | | |
|---------------------------------|-------------------------|-------------------------|-------------------------|------------------|------------|
| 12. DISCOUNT FOR PROMPT PAYMENT | a. 10 CALENDAR DAYS (%) | b. 20 CALENDAR DAYS (%) | c. 30 CALENDAR DAYS (%) | d. CALENDAR DAYS | |
| | | | | NUMBER | PERCENTAGE |

NOTE: Additional provisions and representations are 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 | | | 16. SIGNER | | b. TELEPHONE |
| b. STREET ADDRESS | | | | | |
| c. COUNTY | | | a. NAME (Type or print) | | AREA CODE |
| d. CITY | | | c. TITLE (Type or print) | | NUMBER |
| e. STATE | | f. ZIP CODE | | | |

MAIN ACTIVITY

Banquet Services needed by the Embassy in connection with the **United States of America's Independence Day Celebration** to be held on **Wednesday, 01 July 2020, 6:00 p.m. to 8:00 p.m.**

DETAILS OF REQUIREMENTS:

- Venue** : Ballroom and Foyer with an area of at least 1,400 sqm, located in the BGC area.
- No. of Pax** : Minimum number of persons expected: 1,000 pax
Maximum number of persons expected: 1,400 pax
Exact minimum and maximum number of guests to be finalized nearer event date.
Vendor to charge based on minimum guarantee or actual attendance, not exceeding the maximum guaranteed.
- Menu** : **American-themed Cocktail Buffet** (cold canapés for pass-around; hot & cold items, grill/carving station and desserts served buffet style). Please note that:
- Embassy to invite approx. 20 American food/bev companies to donate their products, provide booths/stations and assign staff during the event (e.g. TGIFridays, Outback Steakhouse, Starbucks, Burger King, Krispy Kreme, etc.).
 - Menu tasting and approval to be done approx. one month before the event by the Fourth of July (J4) Committee.
- Beverage** : Embassy will bring in all beverages from U.S. donors (wine, soda, juices, iced tea, beer and bottled water); Hotel to provide bar set-up, ice, ice chests, glasses, bartenders.
- Set-Up** :
- Hotel to provide all waiters, bartenders, chinaware, flatware, glassware, chafing dishes, service trays, serving gear, cocktail napkins/toothpicks;
 - Buffet Tables and Cocktail Tables with centerpieces; Stage/Risers, red carpet
 - Various Linens/paraphernalia for buffet tables, bars, cocktail tables;
 - For the food donors, hotel to provide tables with tablecloths/skirtings, chinaware and flatware for the food booths.
 - Minimum of 3 LCD Projectors and Large Screens (preferably built-in)
 - Color motif: Red, White and Dark Blue
 - Embassy to provide US and PH Flags, flagpoles, podium, decor, walk-thru metal detectors, stanchions, trashcans, and supplemental coolers.
 - Equipment, supplies and décor will be brought in one day before for either set-up or storage (June 30th). At a minimum, venue should be available for ingress by 1:00am of June 30th for the decorator.
 - Set-up of the hotel should be completed by 10am of July 1st, so that the Embassy can proceed with its own set-up needs.
 - Layout, final menu and set-up details to be coordinated by Ebel Dela Cruz.
- Security Terms:**
- Embassy to provide Walk-Through Metal Detectors (WTMDs) for supplemental and final screening of guests at the ballroom entrance.
 - Hotel to allow access, prior to and during the actual event, to pre-identified armed personnel from the following categories at the discretion and direction of the U.S. Embassy:
 - a. U.S. Embassy employees;
 - b. Philippine government employees supporting the U.S. Embassy and the July 4th event;

- c. Philippine government employees providing security escort services for VIPs;
- d. Private security company personnel providing security escort services for VIPs.
- Hotel to provide U.S. Embassy security access, prior to and during the event, to the hotel security control center/camera center; to allow Embassy staff to monitor the event through hotel security cameras, and to assist in coordination during the event.
- Hotel to allow U.S. Embassy staff or Philippines National Police staff to observe or augment hotel vehicle screening prior to and during the event with explosive detection devices, K-9s, or mirror searches, as resources are available.

- Other Items : - A sizable number of parking slots should be available onsite and nearby.
- Hotel to provide 3 to 4 function rooms as part of the package, near the Ballroom, to be used by embassy support staff, security personnel and entertainers.
 - IMPT: Hotel to submit valid NBI clearances of hotel staff who need access to the Ballroom during the event (e.g. waiters, kitchen staff, technicians, housekeeping, stewards, etc.).
Submission deadline: On or before June 18, 2020 to give ample time for security vetting.

**CLAUSES FOR PURCHASE ORDERS AND BLANKET PURCHASE AGREEMENTS
AWARDED BY OVERSEAS CONTRACTING ACTIVITIES
(Current thru FAC 2019-03, dated 05/06/2019)**

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 |
|---------------|--|-------------|
| 52.204-7 | SYSTEM FOR AWARD MANAGEMENT | OCT 2018 |
| 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 |
| 52.204-13 | SYSTEM FOR AWARD MANAGEMENT MAINTENANCE | OCT 2018 |
| 52.204-18 | COMMERCIAL AND GOVERNMENT ENTITY CODE MAINTENANCE | JUL 2016 |
| 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) | OCT 2018 |
| 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 (MAY 2019)

(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) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(2) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (*Jul 2018*) (Section 1634 of Pub. L. 115-91).

(3) 52.209-10, Prohibition on Contracting with Inverted Domestic Corporations (*Nov 2015*).

(4) 52.233-3, Protest After Award (*Aug 1996*) (31 U.S.C. 3553).

(5) 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:

[*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. 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.)

_ (4) 52.204-10, Reporting Executive Compensation and First-Tier Subcontract Awards (*Oct 2018*) (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).

- _ (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 (*Oct 2018*) (41 U.S.C. 2313).
- X** (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) 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 (*Oct 2018*) (15 U.S.C. 637(d)(2) and (3)).
- _ (17) (i) 52.219-9, Small Business Subcontracting Plan (*Aug 2018*) (15 U.S.C. 637(d)(4))
- _ (ii) Alternate I (*Jan 2017*) 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 (*Aug 2018*) 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 (*Jan 2017*) (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. 657f).
- _ (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)).
- _ (25) 52.222-3, Convict Labor (*June 2003*) (E.O.11755).
- X (26) 52.222-19, Child Labor-Cooperation with Authorities and Remedies (*Jan 2018*) (E.O.13126).
- _ (27) 52.222-21, Prohibition of Segregated Facilities (*Apr 2015*).
- _ (28) 52.222-26, Equal Opportunity (*Sept 2016*) (E.O.11246).
Alternate I (*Feb 1999*) of 52.222-26.
- _ (29) 52.222-35, Equal Opportunity for Veterans (*Oct 2015*) (38 U.S.C. 4212).
- _ (ii) Alternate I (*July 2014*) of 52.222-35.
- _ (30) 52.222-36, Equal Opportunity for Workers with Disabilities (*Jul 2014*) (29 U.S.C.793).
- _ (ii) Alternate I (*July 2014*) of 52.222-36.
- X (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 (*Jan 2019*) (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) (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 acqu
- _ (36) 52.223-11, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (*Jun 2016*) (E.O. 13693).
- _ (37) 52.223-12, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (*Jun2016*) (E.O. 13693).
- _ (38) (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.
- _ (39) 52.223-14, Acquisition of EPEAT®-Registered Televisions (*Jun 2014*) (E.O.s 13423 and 13514).
Alternate I (*Jun 2014*) of 52.223-14.

- _ (40) 52.223-15, Energy Efficiency in Energy-Consuming Products (*Dec 2007*) (42 U.S.C. 8259b).
- _ (41) 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** (42) 52.223-18, Encouraging Contractor Policies to Ban Text Messaging While Driving (*Aug 2011*) (E.O. 13513).
- _ (43) 52.223-20, Aerosols (*Jun 2016*) (E.O. 13693).
- _ (44) 52.223-21, Foams (*Jun 2016*) (E.O. 13693).
- _ (45) 52.224-3 Privacy Training (*Jan 2017*) (5 U.S.C. 552 a). Alternate I (*Jan 2017*) of 52.224-3.
- _ (46) 52.225-1, Buy American-Supplies (*May 2014*) (41 U.S.C. chapter 83).
- _ (47) (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.
- _ (48) 52.225-5, Trade Agreements (*Aug 2018*) (19 U.S.C. 2501, *et seq.*, 19 U.S.C. 3301 note).
- X** (49) 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).
- _ (50) 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).
- _ (51) 52.226-4, Notice of Disaster or Emergency Area Set-Aside (*Nov 2007*) (42 U.S.C. 5150).
- _ (52) 52.226-5, Restrictions on Subcontracting Outside Disaster or Emergency Area (*Nov 2007*) (42 U.S.C. 5150).
- X** (53) 52.232-29, Terms for Financing of Purchases of Commercial Items (*Feb 2002*) (41 U.S.C.4505, 10 U.S.C.2307(f)).
- _ (54) 52.232-30, Installment Payments for Commercial Items (*Jan 2017*) (41 U.S.C.4505, 10 U.S.C.2307(f)).
- X** (55) 52.232-33, Payment by Electronic Funds Transfer-System for Award Management (*Oct 2018*) (31 U.S.C. 3332).
- _ (56) 52.232-34, Payment by Electronic Funds Transfer-Other than System for Award Management (*Jul 2013*) (31 U.S.C.3332).
- _ (57) 52.232-36, Payment by Third Party (*May 2014*) (31 U.S.C.3332).

- _ (58) 52.239-1, Privacy or Security Safeguards (*Aug 1996*) (5 U.S.C. 552a).
- _ (59) 52.242-5, Payments to Small Business Subcontractors (*Jan 2017*) (15 U.S.C. 637(d)(13)).
- _ (60) 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.
- _ (iii) Alternate II (*Feb 2006*) 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.*]

- _ (1) 52.222-17, Nondisplacement of Qualified Workers (*May 2014*)(E.O. 13495).
- _ (2) 52.222-41, Service Contract Labor Standards (*Aug 2018*) (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) (*Aug 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).

(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 (*Oct 2015*) (41 U.S.C. 3509).

(ii) 52.203-19, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).

(iii) 52.204-23, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (*Jul 2018*) (Section 1634 of Pub. L. 115-91).

(iv) 52.219-8, Utilization of Small Business Concerns (*Oct 2018*) (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.

(v) 52.222-17, Nondisplacement of Qualified Workers (*May 2014*) (E.O. 13495). Flow down required in accordance with paragraph (1) of FAR clause 52.222-17.

- (vi) 52.222-21, Prohibition of Segregated Facilities (*Apr* 2015).
- (vii) 52.222-26, Equal Opportunity (*Sept* 2015) (E.O.11246).
- (viii) 52.222-35, Equal Opportunity for Veterans (*Oct* 2015) (38 U.S.C.4212).
- (ix) 52.222-36, Equal Opportunity for Workers with Disabilities (*Jul* 2014) (29 U.S.C.793).
- (x) 52.222-37, Employment Reports on Veterans (*Feb* 2016) (38 U.S.C.4212)
- (xi) 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.
- (xii) 52.222-41, Service Contract Labor Standards (*Aug* 2018) (41 U.S.C. chapter 67).

- (xiii) (A) 52.222-50, Combating Trafficking in Persons (*Jan* 2019) (22 U.S.C. chapter 78 and E.O 13627).

- (B) Alternate I (*Mar* 2015) of 52.222-50(22 U.S.C. chapter 78 and E.O 13627).
- (xiv) 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).
- (xv) 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).
- (xvi) 52.222-54, Employment Eligibility Verification (*Oct* 2015) (E.O. 12989).
- (xvii) 52.222-55, Minimum Wages Under Executive Order 13658 (*Dec* 2015).
- (xviii) 52.222-62, Paid Sick Leave Under Executive Order 13706 (*Jan* 2017) (E.O. 13706).
- (xix) (A) 52.224-3, Privacy Training (*Jan* 2017) (5 U.S.C. 552a).

- (B) Alternate I (*Jan* 2017) of 52.224-3.
- (xx) 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).
- (xxi) 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.
- (xxii) 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.
- (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: <u>"The COR is General Services Specialist, Maria Isabel Dela Cruz"</u> | 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)