

## Best, Tish (NIH/OD) [E]

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**From:** Best, Tish (NIH/OD) [E]

**Sent:** Thursday, June 16, 2011 2:57 PM

**To:** List NIH1102-L

**Cc:** Levy, Barbara (NIH/OD) [C]; Adamik, Mary (NIH/OD) [E]; Morin, Gary (NIH/OD) [E]; Trexler, Lorraine (NIH/OD) [E]; Laycock, Gail

**Subject:** Workform Update

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The workforms have been updated to incorporate the changes required by FAC 2005-52, effective May 31, 2011 and other housekeeping changes. The updated files are dated 6/16/2011 and can be found on the NCI OA Intranet at [http://rcb-intranet.nci.nih.gov/workforms\\_set.htm](http://rcb-intranet.nci.nih.gov/workforms_set.htm). The Document Generation System (DGS) can be accessed at: <http://dgs.nci.nih.gov/dgs/index.jsp>.

The following is an explanation of the changes made to each workform listed below. If you would like additional summary or detailed information about the applicable FAC item, you may access the Federal Register Notice, under General Services Administration at:

- FAC 2005-52: [http://www.access.gpo.gov/su\\_docs/fedreg/a110531c.html](http://www.access.gpo.gov/su_docs/fedreg/a110531c.html)

### **I. Contract**

### **II. RFP**

### **III. Individual Representations and Certifications**

**NOTE: These files may be accessed from SECTION K (<http://rcb.cancer.gov/rcb-internet/forms/rc.htm>) of the workforms and are only used in the rare instance where an offeror is exempt from the CCR.**

### **IV. SECTION K (NIH Representations & Certifications)**

(<http://rcb.cancer.gov/rcb-internet/forms/sectionk.pdf>)

## **EXPLANATION OF CHANGES MADE TO THE CONTRACT:**

- 1. Items 7, 9, 11, 15, 17, 19, 21, 24, 25, 26, Pages 5 - 15 , B Articles for Cost-Reimbursement with Fee Contracts,** have been revised to remove the last sentence of the subparagraph stipulating the fee amount and payment which read: "Payment of fee shall not be made in less than monthly installments." This statement is inconsistent with current NIH payment provisions which allows for the submission of invoices

every two weeks. Additionally, no restriction in the FAR or HHSAR limiting payment of fee in less than monthly installments could be found.

2. **Item 251, Page 90, Article H.20 Needle Distribution**, has been revised to update the clause to incorporate the current language required by the FY-2011 legislation (P.L. 112-10).
3. **Item 284, Page 111, Article H.43. Electronic and Information Technology Accessibility, HHSAR 352.239-73(b) (PRESCRIPTION ONLY)**, has been revised to:
  - Clarify the applicability requirements for contracts for which the ONLY EIT product required is the submission of an electronic report/deliverable. Specifically, when the Project Officer and Contracting Officer document in the acquisition plan that 1) the only EIT required under the contract is the submission of electronic deliverables; and 2) the contract will require that electronically submitted reports be submitted in a 508 compliant format and that appropriate 508 standards will be identified in the contract, then the contract is not considered an EIT contract and this Article is not applicable. It is noted that the prescription also cautions Contracting staff to consult with their IC Section 508 Coordinator if there is uncertainty as to whether the SOW requires ANY EIT products or services other than reports/deliverables;
  - Raise the threshold for Annual Section 508 Reporting to \$150,000 in accordance with the HHSAR;
  - Note that when the clause is not applicable, no requirement for a separate technical evaluation criteria or Section 508 annual report is required.
4. **Item 314 (OLD), Article H.68. Conflict of Interest**, has been removed as requested by DAPE.
5. **Items 321 – 337, Pages 130 - 172, Article I.1. General Clauses**, have been revised as follows:
  - Introductory paragraph has been revised to advise contractors of the location of the full text HHSAR clauses. This paragraph previously only included the location of the FAR clauses.
  - FAR Clause 52.204-4, Printed or copied Double-Sided on Postconsumer Fiber Content Paper, has been renamed and updated to May, 2011 in accordance with Item I of FAC 2005-52.
  - FAR Clause 52.223-14, Toxic Chemical Release Reporting, has been removed in accordance with Item I of FAC 2005-52.
6. **Item 358 (OLD), Article I.2.r. FAR Clause 52.223-14, Toxic Chemical Release Reporting**, has been removed in accordance with Item I of FAC 2005-52.
7. **Item 408, Page 184, Article I.3.12., FAR Clause 52.209-10, Prohibition on Contracting With Inverted Domestic Corporations**, has been added in accordance with Item III of FAC 2005-52.
8. **Item 447, Page 193, Article I.3.51., FAR Clause 52.223-5, Pollution Prevention and Right-to-Know Information**, has been updated to May, 2011 in accordance with Item I of FAC 2005-52.
9. **Item 449, Page 193, Article I.3.53., FAR Clause 52.223-10, Waste Reduction Program**, has been updated to May, 2011 in accordance with Item I of FAC 2005-52.
10. **Item 454, Page 194, Article I.3.58. FAR Clause 52.223-19, Compliance with Environmental Management Systems**, has been added for use in solicitations and contracts for contractor operation of Government-Owned or –Leased facilities or vehicles, located in the United States in accordance with Item I of FAC 2005-52.

**Manual Maintenance:** It is recommended that you print and replace **the entire “Contract Handbook” file** under **DGS Handbook Files** from the NCI OA Internet. *(Please note that this document has been formatted for a XEROX Work Centre 7675. If using another printer definition, the page numbers listed above may differ on your document. However, the ITEM NUMBERS will always be the same.)*

#### **EXPLANATION OF CHANGES MADE TO THE RFP:**

- 1. Items 9, 11, 13, 17, 19, 21, 23, 26, 27, 28, Pages 8 - 18, B Articles for Cost-Reimbursement with Fee Contracts,** have been revised to remove the last sentence of the subparagraph stipulating the fee amount and payment which read: “Payment of fee shall not be made in less than monthly installments.” This statement is inconsistent with current NIH payment provisions which allows for the submission of invoices every two weeks. Additionally, no restriction in the FAR or HHSAR limiting payment of fee in less than monthly installments could be found.
- 2. Item 185, Page 77, Article H.19. Needle Distribution,** has been revised to update the clause to incorporate the current language required by the FY-2011 legislation (P.L. 112-10).
- 3. Item 217, Page 98, Article H.41. Electronic and Information Technology Accessibility, HHSAR 352.239-73(b) (PRESCRIPTION ONLY),** has been revised to:
  - Clarify the applicability requirements for contracts for which the ONLY EIT product required is the submission of an electronic report/deliverable. Specifically, when the Project Officer and Contracting Officer document in the acquisition plan that 1) the only EIT required under the contract is the submission of electronic deliverables; and 2) the contract will require that electronically submitted reports be submitted in a 508 compliant format and that appropriate 508 standards will be identified in the contract, then the contract is not considered an EIT contract and this Article is not applicable. It is noted that the prescription also cautions Contracting staff to consult with their IC Section 508 Coordinator if there is uncertainty as to whether the SOW requires ANY EIT products or services other than reports/deliverables;
  - Raise the threshold for Annual Section 508 Reporting to \$150,000 in accordance with the HHSAR;
  - Note that when the clause is not applicable, no requirement for a separate technical evaluation criteria or Section 508 annual report is required.
- 4. Item 247, (OLD), Article H.66. Conflict of Interest,** has been removed as requested by DAPE.
- 5. Item 288, (OLD), Article I.2.n. FAR Clause 52.223-14, Toxic Chemical Release Reporting,** has been removed in accordance with Item I of FAC 2005-52.
- 6. Item 337, Page 130, Article I.3.12., FAR Clause 52.209-10, Prohibition on Contracting With Inverted Domestic Corporations,** has been added in accordance with Item III of FAC 2005-52.
- 7. Item 375, Page 138, Article I.3.50., FAR Clause 52.223-5, Pollution Prevention and Right-to-Know Information,** has been updated to May, 2011 in accordance with Item I of FAC 2005-52.
- 8. Item 377, Page 138, Article I.3.52., FAR Clause 52.223-10, Waste Reduction Program,** has been updated to May, 2011 in accordance with Item I of FAC 2005-52.

9. **Item 382, Page 139, Article I.3.57. FAR Clause 52.223-19, Compliance with Environmental Management Systems**, has been added for use in solicitations and contracts for contractor operation of Government-Owned or –Leased facilities or vehicles, located in the United States in accordance with Item I of FAC 2005-52.
10. **Item 505.1, Pages 187 & 188, Section J – Solicitation Attachments**, have been revised as follows:
- **Instructions for all solicitation attachments:** have been updated to change the link to the solicitation attachments. They are now located on the NCI OA Internet Site. All attachment files are now located at: <http://rcb.cancer.gov/rcb-internet/forms/OAworkforms/attachments.html> .
  - **Attachment 7: Section K – Representations, Certifications, and Other Statements of Offerors**, has been added as a solicitation attachment. This document was previously located on the NCI OA Internet for use by offerors to include in their proposals. This document includes the FAR clause 52.204-8, Annual Representations and Certifications which requires the Contracting Officer to complete subparagraph (c)(2). This attachment is a fillable pdf form which can be completed by the Contracting Officer and included in the solicitation, completed by the Offeror and included in the Offeror’s proposal.
11. **Item 508, Page 196, Section K, Item 2**, has been changed to advise offerors that this document is located in Section J as an attachment.
12. **Item 520, Page 204, Section L.1.g. Type of Contract and Number of Awards**, has been revised to add a third paragraph for use with all solicitations EXCEPT those that will result in a Firm-Fixed Price contract. This paragraph advises offerors of the FAR requirement for an accounting system that is adequate for determining costs applicable to the contract. Additionally, offerors are advised that they will be required to certify, in their business proposal, the adequacy of their accounting system.
13. **Item 630, Page 267, Section L.2.b.10. Electronic and Information Technology Accessibility, Section 508 Compliance (PRESCRIPTION ONLY)**, is revised to clarify the applicability requirements for solicitations for which the ONLY EIT product required is the submission of an electronic report/deliverable. Specifically, when the Project Officer and Contracting Officer document in the acquisition plan that 1) the only EIT required under the contract will be the submission of electronic deliverables; and 2) the contract will require that electronically submitted reports be submitted in a 508 compliant format and that appropriate 508 standards will be identified in the contract, then the contract is not considered an EIT contract and this item is not applicable. It is noted that the prescription also cautions Contracting staff to consult with their IC Section 508 Coordinator if there is uncertainty as to whether the SOW requires ANY EIT products or services other than reports/deliverables.
14. **Item 641, Page 276, Section L.2.c.6. Salary Rate Limitation in Fiscal Year 2011**, has been revised include the FY 2011 appropriation legislation, P.L. 112-10 and update the link to the FY 2011 Executive Salary Rates.
15. **Item 660, Page 288, Section L.2.c.16.e. Adequate Accounting System**, has been added for use with all solicitations EXCEPT those that will result in a firm-fixed price contracts, advising offerors that they must certify the adequacy of their accounting system in their business proposal. The certification includes all standards required for an accounting system considered adequate and suitable for accumulating costs under government contracts.

**Manual Maintenance:** It is recommended that you print and replace **the entire “RFP Handbook” file** under **DGS Handbook Files** from the NCI OA Intranet. *(Please note that this document has been formatted for a*

XEROX Work Centre 7675. If using another printer definition, the page numbers listed above may differ on your document. However, the ITEM NUMBERS will always be the same.)

## EXPLANATION OF CHANGES MADE TO THE REPRESENTATIONS AND CERTIFICATIONS:

**Important Note about the Individual Representations and Certifications:** *These files should only be used for an offeror or contractor who is exempt from the requirement to register in the CCR. All other offerors/contractors will access these provisions from the ORCA when they complete their annual Online Representations & Certifications Application.*

The Individual Representations and Certifications have been revised to incorporate changes required by FAC 2005-52 as follows:

- FAR Provisions:
  1. **52.209-2, Prohibition on contracting With Inverted Domestic Corporations--Representation** has been added in accordance with Item III
  2. **52.223-13, Certification of Toxic Chemical Release Reporting** has been removed in accordance with Item I

## EXPLANATION OF CHANGES MADE TO SECTION K (NIH Representations & Certifications):

**Part 1, Pages 1-3, Annual Representations and Certification**, FAR Clause 52.204-8, is updated to May 2011 in accordance with Items I & III of FAC 2005-52.

Tish

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